

**Calendar No. 370**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2514**

**[Report No. 107–151]**

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 15 (legislative day, MAY 9), 2002

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Defense Au-  
3 thorization Act for Fiscal Year 2003”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
5 **CONTENTS.**

6       (a) DIVISIONS.—This Act is organized into three divi-  
7 sions as follows:

8           (1) Division A—Department of Defense Au-  
9 thorizations.

10          (2) Division B—Military Construction Author-  
11 izations.

12          (3) Division C—Department of Energy Na-  
13 tional Security Authorizations and Other Authoriza-  
14 tions.

15       (b) TABLE OF CONTENTS.—The table of contents for  
16 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE**  
**AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical agents and munitions destruction, defense.

Sec. 107. Defense health programs.

**Subtitle B—Army Programs**

- Sec. 111. Pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.

### **Subtitle C—Navy Programs**

(reserved)

### **Subtitle D—Air Force Programs**

- Sec. 131. C-130J aircraft program.  
 Sec. 132. Pathfinder programs.  
 Sec. 133. Oversight of acquisition for defense space programs.  
 Sec. 134. Leasing of tanker aircraft.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### **Subtitle A—Authorization of Appropriations**

- Sec. 201. Authorization of appropriations.  
 Sec. 202. Amount for science and technology.  
 Sec. 203. Defense health programs.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 211. Basic seismic research program for support of national requirements for monitoring nuclear explosions.  
 Sec. 212. Advanced SEAL Delivery System.  
 Sec. 213. Army experimentation program regarding design of the objective force.

### **Subtitle C—Missile Defense Programs**

- Sec. 221. Annual operational assessments and reviews of ballistic missile defense program.  
 Sec. 222. Report on Midcourse Defense program.  
 Sec. 223. Report on Air-based Boost program.  
 Sec. 224. Report on Theater High Altitude Area Defense program.  
 Sec. 225. References to new name for Ballistic Missile Defense Organization.

### **Subtitle D—Improved Management of Department of Defense Test and Evaluation Facilities**

- Sec. 231. Department of Defense Test and Evaluation Resource Enterprise.  
 Sec. 232. Transfer of testing funds from program accounts to infrastructure accounts.  
 Sec. 233. Increased investment in test and evaluation facilities.  
 Sec. 234. Uniform financial management system for Department of Defense test and evaluation facilities.  
 Sec. 235. Test and evaluation workforce improvements.  
 Sec. 236. Compliance with test and evaluation master plan requirements.  
 Sec. 237. Report on implementation of Defense Science Board recommendations.

### **Subtitle E—Other Matters**

- Sec. 241. Pilot programs for revitalizing Department of Defense laboratories.

- Sec. 242. Technology transition initiative.
- Sec. 243. Encouragement of small businesses and nontraditional defense contractors to submit proposals potentially beneficial for combating terrorism.
- Sec. 244. Vehicle fuel cell program.
- Sec. 245. Defense nanotechnology research and development program.

### **TITLE III—OPERATION AND MAINTENANCE**

#### **Subtitle A—Authorization of Appropriations**

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Range Enhancement Initiative Fund.

#### **Subtitle B—Environmental Provisions**

- Sec. 311. Enhancement of authority on cooperative agreements for environmental purposes.
- Sec. 312. Modification of authority to carry out construction projects for environmental responses.
- Sec. 313. Increased procurement of environmentally preferable products.
- Sec. 314. Cleanup of unexploded ordnance on Kaho’olawe Island, Hawaii.

#### **Subtitle C—Defense Dependents’ Education**

- Sec. 331. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 332. Impact aid for children with severe disabilities.
- Sec. 333. Options for funding dependent summer school programs.
- Sec. 334. Comptroller General study of adequacy of compensation provided for teachers in the Department of Defense Overseas Dependents’ Schools.

#### **Subtitle D—Other Matters**

- Sec. 341. Use of humanitarian and civic assistance funds for reserve component members of Special Operations Command engaged in activities relating to clearance of landmines.
- Sec. 342. Calculation of five-year period of limitation for Navy-Marine Corps intranet contract.
- Sec. 343. Reimbursement for reserve component intelligence support.
- Sec. 344. Clarification of core logistics capabilities.
- Sec. 345. Rebate agreements under the special supplemental food program.

### **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

#### **Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.
- Sec. 402. Authority to increase strength and grade limitations to account for reserve component members on active duty in support of a contingency operation.
- Sec. 403. Increased allowance for number of Marine Corps general officers on active duty in grades above major general.

Sec. 404. Increase in authorized strengths for Marine Corps officers on active duty in the grade of colonel.

### **Subtitle B—Reserve Forces**

Sec. 411. End strengths for Selected Reserve.  
 Sec. 412. End strengths for Reserves on active duty in support of the reserves.  
 Sec. 413. End strengths for military technicians (dual status).  
 Sec. 414. Fiscal year 2003 limitations on non-dual status technicians.

### **Subtitle C—Authorization of Appropriations**

Sec. 421. Authorization of appropriations for military personnel.

## **TITLE V—MILITARY PERSONNEL POLICY**

### **Subtitle A—Officer Personnel Policy**

Sec. 501. Extension of certain requirements and exclusions applicable to service of general and flag officers on active duty in certain joint duty assignments.  
 Sec. 502. Extension of authority to waive requirement for significant joint duty experience for appointment as a chief of a reserve component or a National Guard director.

### **Subtitle B—Reserve Component Personnel Policy**

Sec. 511. Time for commencement of initial period of active duty for training upon enlistment in reserve component.  
 Sec. 512. Authority for limited extension of medical deferment of mandatory retirement or separation of reserve component officer.

### **Subtitle C—Education and Training**

Sec. 521. Increase in authorized strengths for the service academies.

### **Subtitle D—Decorations, Awards, and Commendations**

Sec. 531. Waiver of time limitations for award of certain decorations to certain persons.  
 Sec. 532. Korea Defense Service Medal.

### **Subtitle E—National Call to Service**

Sec. 541. Enlistment incentives for pursuit of skills to facilitate national service.  
 Sec. 542. Military recruiter access to institutions of higher education.

### **Subtitle F—Other Matters**

Sec. 551. Biennial surveys on racial, ethnic, and gender issues.  
 Sec. 552. Leave required to be taken pending review of a recommendation for removal by a board of inquiry.  
 Sec. 553. Stipend for participation in funeral honors details.

## **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

### **Subtitle A—Pay and Allowances**

- Sec. 601. Increase in basic pay for fiscal year 2003.
- Sec. 602. Rate of basic allowance for subsistence for enlisted personnel occupying single Government quarters without adequate availability of meals.
- Sec. 603. Basic allowance for housing in cases of low-cost or no-cost moves.

#### **Subtitle B—Bonuses and Special and Incentive Pays**

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of other bonus and special pay authorities.
- Sec. 615. Increased maximum amount payable as multiyear retention bonus for medical officers of the Armed Forces.
- Sec. 616. Increased maximum amount payable as incentive special pay for medical officers of the Armed Forces.
- Sec. 617. Assignment incentive pay.
- Sec. 618. Increased maximum amounts for prior service enlistment bonus.

#### **Subtitle C—Travel and Transportation Allowances**

- Sec. 631. Deferral of travel in connection with leave between consecutive overseas tours.
- Sec. 632. Transportation of motor vehicles for members reported missing.
- Sec. 633. Destinations authorized for Government paid transportation of enlisted personnel for rest and recuperation upon extending duty at designated overseas locations.
- Sec. 634. Vehicle storage in lieu of transportation to certain areas of the United States outside continental United States.

#### **Subtitle D—Retirement and Survivor Benefit Matters**

- Sec. 641. Phased-in authority for concurrent receipt of military retired pay and veterans' disability compensation for certain service-connected disabled veterans.
- Sec. 642. Increased retired pay for enlisted Reserves credited with extraordinary heroism.
- Sec. 643. Expanded scope of authority to waive time limitations on claims for military personnel benefits.

#### **Subtitle E—Other Matters**

- Sec. 651. Additional authority to provide assistance for families of members of the Armed Forces.
- Sec. 652. Time limitation for use of Montgomery GI Bill entitlement by members of the Selected Reserve.
- Sec. 653. Status of obligation to refund educational assistance upon failure to participate satisfactorily in Selected Reserve.
- Sec. 654. Prohibition on acceptance of honoraria by personnel at certain Department of Defense schools.

### **TITLE VII—HEALTH CARE**

- Sec. 701. Eligibility of surviving dependents for TRICARE dental program benefits after discontinuance of former enrollment.
- Sec. 702. Advance authorization for inpatient mental health services.
- Sec. 703. Continued TRICARE eligibility of dependents residing at remote locations after departure of sponsors for unaccompanied assignments.
- Sec. 704. Approval of medicare providers as TRICARE providers.
- Sec. 705. Claims information.
- Sec. 706. Department of Defense Medicare-Eligible Retiree Health Care Fund.
- Sec. 707. Technical corrections relating to transitional health care for members separated from active duty.

## **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

### **Subtitle A—Major Defense Acquisition Programs**

- Sec. 801. Buy-to-budget acquisition of end items.
- Sec. 802. Report to Congress on incremental acquisition of major systems.
- Sec. 803. Pilot program for spiral development of major systems.
- Sec. 804. Improvement of software acquisition processes.
- Sec. 805. Independent technology readiness assessments.
- Sec. 806. Timing of certification in connection with waiver of survivability and lethality testing requirements.

### **Subtitle B—Procurement Policy Improvements**

- Sec. 811. Performance goals for contracting for services.
- Sec. 812. Grants of exceptions to cost or pricing data certification requirements and waivers of cost accounting standards.
- Sec. 813. Extension of requirement for annual report on defense commercial pricing management improvement.
- Sec. 814. Internal controls on the use of purchase cards.
- Sec. 815. Assessment regarding fees paid for acquisitions under other agencies' contracts.
- Sec. 816. Pilot program for transition to follow-on contracts for certain prototype projects.
- Sec. 817. Waiver authority for domestic source or content requirements.

### **Subtitle C—Other Matters**

- Sec. 821. Extension of the applicability of certain personnel demonstration project exceptions to an acquisition workforce demonstration project.
- Sec. 822. Moratorium on reduction of the defense acquisition and support workforce.
- Sec. 823. Extension of contract goal for small disadvantaged businesses and certain institutions of higher education.
- Sec. 824. Mentor-Protege Program eligibility for HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans.
- Sec. 825. Repeal of requirements for certain reviews by the Comptroller General.
- Sec. 826. Multiyear procurement authority for purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products.
- Sec. 827. Multiyear procurement authority for environmental services for military installations.

## **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

- Sec. 901. Time for submittal of report on Quadrennial Defense Review.
- Sec. 902. Increased number of Deputy Commandants authorized for the Marine Corps.
- Sec. 903. Base operating support for Fisher Houses.
- Sec. 904. Prevention and mitigation of corrosion.

## **TITLE X—GENERAL PROVISIONS**

### **Subtitle A—Financial Matters**

- Sec. 1001. Transfer authority.
- Sec. 1002. Reallocation of authorizations of appropriations from ballistic missile defense to shipbuilding.
- Sec. 1003. Authorization of appropriations for continued operations for the war on terrorism.
- Sec. 1004. Authorization of emergency supplemental appropriations for fiscal year 2002.
- Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2003.
- Sec. 1006. Development and implementation of financial management enterprise architecture.
- Sec. 1007. Departmental accountable officials in the Department of Defense.
- Sec. 1008. Department-wide procedures for establishing and liquidating personal pecuniary liability.
- Sec. 1009. Travel card program integrity.

### **Subtitle B—Naval Vessels and Shipyards**

- Sec. 1021. Number of Navy surface combatants in active and reserve service.
- Sec. 1022. Plan for fielding the 155-millimeter gun on a surface combatant.
- Sec. 1023. Report on initiatives to increase operational days of Navy ships.

### **Subtitle C—Reporting Requirements**

- Sec. 1031. Repeal and modification of various reporting requirements applicable with respect to the Department of Defense.
- Sec. 1032. Annual report on weapons to defeat hardened and deeply buried targets.
- Sec. 1033. Revision of date of annual report on counterproliferation activities and programs.
- Sec. 1034. Quadrennial quality of life review.

### **Subtitle D—Homeland Defense**

- Sec. 1041. Homeland security activities of the National Guard.
- Sec. 1042. Conditions for use of full-time Reserves to perform duties relating to defense against weapons of mass destruction.
- Sec. 1043. Weapon of mass destruction defined for purposes of the authority for use of Reserves to perform duties relating to defense against weapons of mass destruction.
- Sec. 1044. Report on Department of Defense homeland defense activities.
- Sec. 1045. Strategy for improving preparedness of military installations for incidents involving weapons of mass destruction.

### **Subtitle E—Other Matters**



- Sec. 1061. Continued applicability of expiring Governmentwide information security requirements to the Department of Defense.
- Sec. 1062. Acceptance of voluntary services of proctors for administration of Armed Services Vocational Aptitude Battery.
- Sec. 1063. Extension of authority for Secretary of Defense to sell aircraft and aircraft parts for use in responding to oil spills.
- Sec. 1064. Amendments to Impact Aid program.

## **TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY**

- Sec. 1101. Extension of authority to pay severance pay in a lump sum.
- Sec. 1102. Extension of voluntary separation incentive pay authority.
- Sec. 1103. Extension of cost-sharing authority for continued FEHBP coverage of certain persons after separation from employment.
- Sec. 1104. Eligibility of nonappropriated funds employees to participate in the Federal employees long-term care insurance program.
- Sec. 1105. Increased maximum period of appointment under the experimental personnel program for scientific and technical personnel.
- Sec. 1106. Qualification requirements for employment in Department of Defense professional accounting positions.
- Sec. 1107. Housing benefits for unaccompanied teachers required to live at Guantanamo Bay Naval Station, Cuba.

## **TITLE XII—MATTERS RELATING TO OTHER NATIONS**

### **Subtitle A—Cooperative Threat Reduction With States of the Former Soviet Union**

- Sec. 1201. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1202. Funding allocations.
- Sec. 1203. Authorization of use of Cooperative Threat Reduction funds for projects and activities outside the former Soviet Union.
- Sec. 1204. Waiver of limitations on assistance under programs to facilitate cooperative threat reduction and nonproliferation.

### **Subtitle B—Other Matters**

- Sec. 1211. Administrative support and services for coalition liaison officers.
- Sec. 1212. Use of Warsaw Initiative funds for travel of officials from partner countries.
- Sec. 1213. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1214. Arctic and Western Pacific Environmental Cooperation Program.

## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2001. Short title.

## **TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.

- Sec. 2106. Modification of authority to carry out certain fiscal year 2000 project.
- Sec. 2107. Modification of authority to carry out certain fiscal year 1999 project.
- Sec. 2108. Modification of authority to carry out certain fiscal year 1997 project.

## **TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification to carry out certain fiscal year 2002 projects.

## **TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

## **TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.

## **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

## **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

## **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
- Sec. 2704. Effective date.

## **TITLE XXVIII—GENERAL PROVISIONS**

### **Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Lease of military family housing in Korea.
- Sec. 2802. Repeal of source requirements for family housing construction overseas.

### **Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Agreements with private entities to enhance military training, testing, and operations.
- Sec. 2812. Conveyance of surplus real property for natural resource conservation.
- Sec. 2813. Modification of demonstration program on reduction in long-term facility maintenance costs.

### **Subtitle C—Land Conveyances**

- Sec. 2821. Conveyance of certain lands in Alaska no longer required for National Guard purposes.
- Sec. 2822. Land conveyance, Fort Campbell, Kentucky.
- Sec. 2823. Modification of authority for land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.
- Sec. 2824. Land conveyance, Westover Air Reserve Base, Massachusetts.
- Sec. 2825. Land conveyance, Naval Station Newport, Rhode Island.
- Sec. 2826. Land exchange, Buckley Air Force Base, Colorado.
- Sec. 2827. Land acquisition, Boundary Channel Drive Site, Arlington, Virginia.
- Sec. 2828. Land conveyances, Wendover Air Force Base Auxiliary Field, Nevada.

### **Subtitle D—Other Matters**

- Sec. 2841. Transfer of funds in lieu of acquisition of replacement property for National Wildlife Refuge system in Nevada.

## **DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

### **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

#### **Subtitle A—National Security Programs Authorizations**

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense environmental management privatization.
- Sec. 3105. Defense nuclear waste disposal.

#### **Subtitle B—Recurring General Provisions**

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on minor construction projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfer of defense environmental management funds.
- Sec. 3130. Transfer of weapons activities funds.

**Subtitle C—Program Authorizations, Restrictions, and  
Limitations**

- Sec. 3131. Availability of funds for environmental management cleanup reform.
- Sec. 3132. Robust Nuclear Earth Penetrator.
- Sec. 3133. Database to track notification and resolution phases of Significant Finding Investigations.
- Sec. 3134. Requirements for specific request for new or modified nuclear weapons.
- Sec. 3135. Requirement for authorization by law for funds obligated or expended for Department of Energy national security activities.
- Sec. 3136. Limitation on availability of funds for program to eliminate weapons grade plutonium production in Russia.

**Subtitle D—Proliferation Matters**

- Sec. 3151. Administration of program to eliminate weapons grade plutonium production in Russia.
- Sec. 3152. Security of nuclear materials and facilities worldwide.
- Sec. 3153. Repeal of requirement for reports on obligation of funds for programs on fissile materials in Russia.
- Sec. 3154. Expansion of annual reports on status of nuclear materials protection, control, and accounting programs.

**Subtitle E—Other Matters**

- Sec. 3161. Indemnification of Department of Energy contractors.
- Sec. 3162. Worker health and safety rules for Department of Energy facilities.
- Sec. 3163. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3164. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.

**Subtitle F—Disposition of Weapons-Usable Plutonium at  
Savannah River, South Carolina**

- Sec. 3181. Findings.
- Sec. 3182. Disposition of weapons-usable plutonium at Savannah River Site.
- Sec. 3183. Study of facilities for storage of plutonium and plutonium materials at Savannah River Site.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY  
BOARD**

- Sec. 3201. Authorization.
- Sec. 3202. Authorization of appropriations for the formerly used sites remedial action program of the Corps of Engineers.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

- 2** For purposes of this Act, the term “congressional de-
- 3** fense committees” means—

- 1 (1) the Committee on Armed Services and the  
2 Committee on Appropriations of the Senate; and  
3 (2) the Committee on Armed Services and the  
4 Committee on Appropriations of the House of Rep-  
5 resentatives.

6 **DIVISION A—DEPARTMENT OF**  
7 **DEFENSE AUTHORIZATIONS**  
8 **TITLE I—PROCUREMENT**  
9 **Subtitle A—Authorization of**  
10 **Appropriations**

11 **SEC. 101. ARMY.**

12 Funds are hereby authorized to be appropriated for  
13 fiscal year 2003 for procurement for the Army as follows:

- 14 (1) For aircraft, \$2,146,386,000.  
15 (2) For missiles, \$1,653,150,000.  
16 (3) For weapons and tracked combat vehicles,  
17 \$2,242,882,000.  
18 (4) For ammunition, \$1,204,499,000.  
19 (5) For other procurement, \$5,513,679,000.

20 **SEC. 102. NAVY AND MARINE CORPS.**

21 (a) NAVY.—Funds are hereby authorized to be appro-  
22 priated for fiscal year 2003 for procurement for the Navy  
23 as follows:

- 24 (1) For aircraft, \$9,037,209,000.

1           (2) For weapons, including missiles and tor-  
2 pedoes, \$2,505,820,000.

3           (3) For shipbuilding and conversion,  
4 \$8,624,160,000.

5           (4) For other procurement, \$4,516,500,000.

6           (b) MARINE CORPS.—Funds are hereby authorized to  
7 be appropriated for fiscal year 2003 for procurement for  
8 the Marine Corps in the amount of \$1,341,219,000.

9           (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
10 are hereby authorized to be appropriated for fiscal year  
11 2003 for procurement of ammunition for the Navy and  
12 the Marine Corps in the amount of \$1,173,157,000.

13 **SEC. 103. AIR FORCE.**

14           Funds are hereby authorized to be appropriated for  
15 fiscal year 2003 for procurement for the Air Force as fol-  
16 lows:

17           (1) For aircraft, \$12,613,605,000.

18           (2) For ammunition, \$1,275,864,000.

19           (3) For missiles, \$3,258,162,000.

20           (4) For other procurement, \$10,476,340,000.

21 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

22           Funds are hereby authorized to be appropriated for  
23 fiscal year 2003 for Defense-wide procurement in the  
24 amount of \$3,054,943,000.

1 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2003 for procurement for the Inspector General  
4 of the Department of Defense in the amount of  
5 \$2,000,000.

6 **SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
7 **TION, DEFENSE.**

8 There is hereby authorized to be appropriated for the  
9 Office of the Secretary of Defense for fiscal year 2003  
10 the amount of \$1,490,199,000 for—

11 (1) the destruction of lethal chemical agents  
12 and munitions in accordance with section 1412 of  
13 the Department of Defense Authorization Act, 1986  
14 (50 U.S.C. 1521); and

15 (2) the destruction of chemical warfare materiel  
16 of the United States that is not covered by section  
17 1412 of such Act.

18 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

19 Funds are hereby authorized to be appropriated for  
20 fiscal year 2003 for the Department of Defense for pro-  
21 curement for carrying out health care programs, projects,  
22 and activities of the Department of Defense in the total  
23 amount of \$278,742,000.

1           **Subtitle B—Army Programs**

2   **SEC. 111. PILOT PROGRAM ON SALES OF MANUFACTURED**  
3                   **ARTICLES AND SERVICES OF CERTAIN ARMY**  
4                   **INDUSTRIAL FACILITIES WITHOUT REGARD**  
5                   **TO AVAILABILITY FROM DOMESTIC SOURCES.**

6           (a) EXTENSION OF PROGRAM.—Subsection (a) of  
7 section 141 of the National Defense Authorization Act for  
8 Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543  
9 note) is amended by striking “through 2002” in the first  
10 sentence and inserting “through 2004”.

11          (b) USE OF OVERHEAD FUNDS MADE SURPLUS BY  
12 SALES.—Such section is further amended—

13               (1) by redesignating subsection (c) as sub-  
14 section (d); and

15               (2) by inserting after subsection (b) the fol-  
16 lowing new subsection (c):

17          “(c) For each Army industrial facility participating  
18 in the pilot program that sells manufactured articles and  
19 services in a total amount in excess of \$20,000,000 in any  
20 fiscal year, the amount equal to one-half of one percent  
21 of such total amount shall be transferred from the sums  
22 in the Army Working Capital Fund for unutilized plant  
23 capacity to appropriations available for the following fiscal  
24 year for the demilitarization of conventional ammunition  
25 by the Army.”.



1 (c) UPDATE OF INSPECTOR GENERAL'S REVIEW.—  
 2 The Inspector General of the Department of Defense shall  
 3 review the experience under the pilot program carried out  
 4 under section 141 of Public Law 105–85 and, not later  
 5 than July 1, 2003, submit to Congress a report on the  
 6 results of the review. The report shall contain the views,  
 7 information, and recommendations called for under sub-  
 8 section (d) of such section (as redesignated by subsection  
 9 (b)(1)). In carrying out the review and preparing the re-  
 10 port, the Inspector General shall take into consideration  
 11 the report submitted to Congress under such subsection  
 12 (as so redesignated).

## 13 **Subtitle C—Navy Programs**

14 (reserved)

## 15 **Subtitle D—Air Force Programs**

### 16 **SEC. 131. C-130J AIRCRAFT PROGRAM.**

17 (a) MULTIYEAR PROCUREMENT AUTHORITY.—Be-  
 18 ginning with the fiscal year 2003 program year, the Sec-  
 19 retary of the Air Force may, in accordance with section  
 20 2306b of title 10, United States Code, enter into a  
 21 multiyear contract for the procurement of C-130J aircraft  
 22 and variants of the C-130J aircraft, subject to subsection  
 23 (b).

24 (b) LIMITATION.—The Secretary of the Air Force  
 25 may not enter into a multiyear contract authorized by sub-

1 section (a) until the C-130J aircraft has been cleared for  
2 worldwide over-water capability.

3 **SEC. 132. PATHFINDER PROGRAMS.**

4 (a) SPIRAL DEVELOPMENT PLAN FOR SELECTED  
5 PATHFINDER PROGRAMS.—Not later than February 1,  
6 2003, the Secretary of the Air Force shall—

7 (1) identify among the pathfinder programs  
8 listed in subsection (e) each pathfinder program that  
9 the Secretary shall conduct as a spiral development  
10 program; and

11 (2) submit to the Secretary of Defense for each  
12 pathfinder program identified under paragraph (1) a  
13 spiral development plan that meets the requirements  
14 of section 803(c).

15 (b) APPROVAL OR DISAPPROVAL OF SPIRAL DEVELOPMENT  
16 PLANS.—Not later than March 15, 2003, the  
17 Secretary of Defense shall—

18 (1) review each spiral development plan sub-  
19 mitted under subsection (a)(2);

20 (2) approve or disapprove the conduct as a spi-  
21 ral development plan of the pathfinder program cov-  
22 ered by each such spiral development plan; and

23 (3) submit to the congressional defense commit-  
24 tees a copy of each spiral development plan approved  
25 under paragraph (2).

1       (c) ASSESSMENT OF PATHFINDER PROGRAMS NOT  
2       SELECTED OR APPROVED FOR SPIRAL DEVELOPMENT.—

3       Not later than March 15, 2003, each official of the De-  
4       partment of Defense specified in subsection (d) shall sub-  
5       mit to the congressional defense committees the assess-  
6       ment required of such official under that subsection for  
7       the acquisition plan for each pathfinder program as fol-  
8       lows:

9               (1) Each pathfinder program that is not identi-  
10       fied by the Secretary of the Air Force under sub-  
11       section (a)(1) as a program that the Secretary shall  
12       conduct as a spiral development program.

13              (2) Each pathfinder program that is dis-  
14       approved by the Secretary of Defense for conduct as  
15       a spiral development program under subsection  
16       (b)(2).

17       (d) OFFICIALS AND REQUIRED ASSESSMENTS FOR  
18       PROGRAMS OUTSIDE SPIRAL DEVELOPMENT.—The offi-  
19       cials specified in this subsection, and the assessment re-  
20       quired of such officials, are as follows:

21              (1) The Director of Operational Test and Eval-  
22       uation, who shall assess the test contents of the ac-  
23       quisition plan for each pathfinder program covered  
24       by subsection (c).

1           (2) The Chairman of the Joint Requirements  
2       Oversight Council, who shall assess the extent to  
3       which the acquisition plan for each such pathfinder  
4       program addresses validated military requirements.

5           (3) The Under Secretary of Defense (Comp-  
6       troller), in coordination with the Under Secretary of  
7       Defense for Acquisition, Technology, and Logistics,  
8       who shall conduct an independent programmatic  
9       evaluation of the acquisition plan for each such  
10      pathfinder program, including an analysis of the  
11      total cost, schedule, and technical risk associated  
12      with development of such program.

13      (e) PATHFINDER PROGRAMS.—The pathfinder pro-  
14      grams listed in this subsection are the program as follows:

15           (1) Space Based Radar.

16           (2) Global Positioning System.

17           (3) Global Hawk.

18           (4) Combat Search and Rescue.

19           (5) B-2 Radar.

20           (6) Predator B.

21           (7) B-1 Defensive System Upgrade.

22           (8) Multi Mission Command and Control Con-  
23      stellation.

24           (9) Unmanned Combat Air Vehicle.

25           (10) Global Transportation Network.

1 (11) C-5 Avionics Modernization Program.

2 (12) Hunter/Killer.

3 (13) Tanker/Lease.

4 (14) Small Diameter Bomb.

5 (15) KC-767.

6 (16) AC-130 Gunship.

7 **SEC. 133. OVERSIGHT OF ACQUISITION FOR DEFENSE**  
8 **SPACE PROGRAMS.**

9 (a) IN GENERAL.—The Office of the Secretary of De-  
10 fense shall maintain oversight of acquisition for defense  
11 space programs.

12 (b) REPORT ON OVERSIGHT.—(1) Not later than  
13 March 15, 2003, the Secretary of Defense shall submit  
14 to the congressional defense committees a detailed plan  
15 on how the Office of the Secretary of Defense shall provide  
16 oversight of acquisition for defense space programs.

17 (2) The plan shall set forth the following:

18 (A) The organizations in the Office of the Sec-  
19 retary of Defense, and the Joint Staff organizations,  
20 to be involved in oversight of acquisition for defense  
21 space programs.

22 (B) The process for the review of defense space  
23 programs by the organizations specified under sub-  
24 paragraph (A).

1           (C) The process for the provision by such orga-  
2           nizations of technical, programmatic, scheduling,  
3           and budgetary advice on defense space programs to  
4           the Deputy Secretary of Defense and the Under Sec-  
5           retary of the Air Force.

6           (D) The process for the development of inde-  
7           pendent cost estimates for defense space programs,  
8           including the organization responsible for developing  
9           such cost estimates and when such cost estimates  
10          shall be required.

11          (E) The process for the development of the  
12          budget for acquisition for defense space programs.

13          (F) The process for the resolution of issues re-  
14          garding acquisition for defense space programs that  
15          are raised by the organizations specified under sub-  
16          paragraph (A).

17          (c) DEFENSE SPACE PROGRAM DEFINED.—In this  
18          section, the term “defense space program” means any  
19          major defense acquisition program (as that term is defined  
20          in section 2430 of title 10, United States Code) for the  
21          acquisition of—

22               (1) space-based assets, space launch assets, or  
23               user equipment for such assets; or

1           (2) earth-based or spaced-based assets dedi-  
2           cated primarily to space surveillance or space con-  
3           trol.

4 **SEC. 134. LEASING OF TANKER AIRCRAFT.**

5           The Secretary of the Air Force shall not enter into  
6 any lease for tanker aircraft until the Secretary submits  
7 the report required by section 8159(c)(6) of the Depart-  
8 ment of Defense Appropriations Act, 2002 (division A of  
9 Public Law 107–117; 115 Stat. 2284) and obtains author-  
10 ization and appropriation of funds necessary to enter into  
11 a lease for such aircraft consistent with his publicly stated  
12 commitments to the Congress to do so.

13 **TITLE II—RESEARCH, DEVELOP-**  
14 **MENT, TEST, AND EVALUA-**  
15 **TION**

16 **Subtitle A—Authorization of**  
17 **Appropriations**

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19           Funds are hereby authorized to be appropriated for  
20 fiscal year 2003 for the use of the Department of Defense  
21 for research, development, test, and evaluation as follows:

22           (1) For the Army, \$7,300,533,000.

23           (2) For the Navy, \$12,929,135,000.

24           (3) For the Air Force, \$18,603,684,000.

1           (4)       For       Defense-wide       activities,  
2       \$17,542,927,000, of which \$361,554,000 is author-  
3       ized for the Director of Operational Test and Eval-  
4       uation.

5   **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

6       (a) AMOUNT FOR PROJECTS.—Of the total amount  
7   authorized to be appropriated by section 201,  
8   \$10,164,358,000 shall be available for science and tech-  
9   nology projects.

10      (b) SCIENCE AND TECHNOLOGY DEFINED.—In this  
11   section, the term “science and technology project” means  
12   work funded in program elements for defense research, de-  
13   velopment, test, and evaluation under Department of De-  
14   fense budget activities 1, 2, or 3.

15   **SEC. 203. DEFENSE HEALTH PROGRAMS.**

16      Funds are hereby authorized to be appropriated for  
17   fiscal year 2003 for the Department of Defense for re-  
18   search, development, test, and evaluation for carrying out  
19   health care programs, projects, and activities of the De-  
20   partment of Defense in the total amount of \$67,214,000.



1 **Subtitle B—Program Require-**  
2 **ments, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 211. BASIC SEISMIC RESEARCH PROGRAM FOR SUP-**  
5 **PORT OF NATIONAL REQUIREMENTS FOR**  
6 **MONITORING NUCLEAR EXPLOSIONS.**

7 (a) MANAGEMENT OF PROGRAM.—(1) The Secretary  
8 of the Air Force shall manage the Department of Defense  
9 program of basic seismic research in support of national  
10 requirements for monitoring nuclear explosions. The Sec-  
11 retary shall manage the program in the manner necessary  
12 to support Air Force mission requirements relating to the  
13 national requirements.

14 (2) The Secretary shall act through the Director of  
15 the Air Force Research Laboratory in carrying out para-  
16 graph (1).

17 (c) AMOUNT FOR PROGRAM.—Of the amount author-  
18 ized to be appropriated by section 201(4), \$20,000,000  
19 shall be available for the program referred to in subsection  
20 (a).

21 **SEC. 212. ADVANCED SEAL DELIVERY SYSTEM.**

22 To the extent provided in appropriations Acts, the  
23 Secretary of Defense may use for research, development,  
24 test, and evaluation for the Advanced SEAL Delivery Sys-  
25 tem any funds that were authorized to be appropriated

1 to the Department of Defense for fiscal year 2002 for the  
2 procurement of that system, were appropriated pursuant  
3 to such authorization of appropriations, and are no longer  
4 needed for that purpose.

5 **SEC. 213. ARMY EXPERIMENTATION PROGRAM REGARDING**  
6 **DESIGN OF THE OBJECTIVE FORCE.**

7 (a) REQUIREMENT FOR REPORT.—Not later than  
8 March 30, 2003, the Secretary of the Army shall submit  
9 to Congress a report on the experimentation program re-  
10 garding design of the objective force that is required by  
11 subsection (g) of section 113 of the Floyd D. Spence Na-  
12 tional Defense Authorization Act for Fiscal Year 2001,  
13 as added by section 113 of the National Defense Author-  
14 ization Act for Fiscal Year 2002 (Public Law 107–107;  
15 115 Stat. 1029).

16 (b) BUDGET DISPLAY.—Amounts provided for the  
17 experimentation program in the budget for fiscal year  
18 2004 that is submitted to Congress under section 1105(a)  
19 of title 31, United States Code, shall be displayed as a  
20 distinct program element in that budget and in the sup-  
21 porting documentation submitted to Congress by the Sec-  
22 retary of Defense.

## **Subtitle C—Missile Defense Programs**

### **SEC. 221. ANNUAL OPERATIONAL ASSESSMENTS AND RE- VIEWS OF BALLISTIC MISSILE DEFENSE PRO- GRAM.**

#### **(a) ANNUAL OPERATIONAL ASSESSMENT.—(1)(A)**

During the first quarter of each fiscal year, the Director of Operational Test and Evaluation shall conduct an operational assessment of the missile defense programs listed in paragraph (3).

#### **(B) The annual assessment shall include—**

(i) a detailed, quantitative evaluation of the potential operational effectiveness, reliability, and suitability of the system or systems under each program as the program exists during the fiscal year of the assessment;

(ii) an evaluation of the adequacy of testing through the end of the previous fiscal year to measure and predict the effectiveness of the systems; and

(iii) a determination of the threats, or type of threats, against which the systems would be expected to be effective and those against which the systems would not be expected to be effective.

(C) The first assessment under this paragraph shall be conducted during fiscal year 2003.

1       (2) Not later than January 15 of each year, the Di-  
 2       rector of Operational Test and Evaluation shall submit to  
 3       the Secretary of Defense and the congressional defense  
 4       committees a report on the assessment conducted during  
 5       the preceding quarter-year. The report shall include the  
 6       evaluation of the potential of the system or systems to-  
 7       gether with a discussion of the basis for the evaluation.

8       (3) The requirement for an annual operational as-  
 9       sessment under paragraph (1) shall apply to programs  
 10      under the United States Missile Defense Agency as fol-  
 11      lows:

12           (A) The Ground-based Midcourse Defense pro-  
 13      gram.

14           (B) The Sea-based Midcourse Defense program.

15           (C) The Theater High Altitude Area Defense  
 16      (THAAD) program.

17           (D) The Air-based Boost program (formerly  
 18      known as the Airborne Laser Defense program).

19      (b) ANNUAL REQUIREMENTS REVIEWS.—(1) During  
 20      the first quarter of each fiscal year, the Joint Require-  
 21      ments Oversight Council established under section 181 of  
 22      title 10, United States Code, shall review the cost, sched-  
 23      ule, and performance criteria for the missile defense pro-  
 24      grams under the United States Missile Defense Agency  
 25      and assess the validity of the criteria in relation to military

1 requirements. The first review shall be carried out in fiscal  
2 year 2003.

3 (2) Not later than January 15 of each year, the  
4 Chairman of the Joint Requirements Oversight Council  
5 shall submit to the Secretary of Defense and the congress-  
6 sional defense committees a report on the results of the  
7 review carried out under paragraph (1) during the pre-  
8 ceding quarter-year.

9 **SEC. 222. REPORT ON MIDCOURSE DEFENSE PROGRAM.**

10 (a) REQUIREMENT FOR REPORT.—Not later than  
11 January 15, 2003, the Secretary of Defense shall submit  
12 to the congressional defense committees a report on the  
13 Midcourse Defense program of the United States Missile  
14 Defense Agency. The report shall include the following in-  
15 formation:

16 (1) The development schedule, together with an  
17 estimate of the annual costs through the completion  
18 of development.

19 (2) The planned procurement schedule, together  
20 with the Secretary's best estimates of the annual  
21 costs of, and number of units to be procured under,  
22 the program through the completion of the procure-  
23 ment.

24 (3) The current program acquisition unit cost  
25 and the history of acquisition unit costs from the

1       date the program (including its antecedent program)  
 2       was first included in a Selected Acquisition Report  
 3       under section 2432 of title 10, United States Code.

4           (4) The current procurement unit cost, and the  
 5       history of procurement unit costs from the date the  
 6       program (including any antecedent program) was  
 7       first included in a Selected Acquisition Report under  
 8       such section 2432.

9           (5) The reasons for any changes in program ac-  
 10      quisition cost, program acquisition unit cost, pro-  
 11      curement cost, or procurement unit cost, and the  
 12      reasons for any changes in program schedule.

13          (6) The major contracts under the program and  
 14      the reasons for any changes in cost or schedule  
 15      variances under the contracts.

16          (7) The Test and Evaluation Master Plan de-  
 17      veloped for the program in accordance with the re-  
 18      quirements and guidance of Department of Defense  
 19      regulation 5000.2–R.

20          (b) SEGREGATION OF GROUND-BASED AND SEA-  
 21      BASED EFFORTS.—The report under subsection (a) shall  
 22      separately display the schedules, cost estimates, cost his-  
 23      tories, contracts, and test plans for—

24           (1) the National Missile Defense/Ground-based  
 25      Midcourse Defense program; and

1           (2) the Navy TheaterWide/Sea-based Midcourse  
2       Defense program.

3   **SEC. 223. REPORT ON AIR-BASED BOOST PROGRAM.**

4       Not later than January 15, 2003, the Secretary of  
5   Defense shall submit to the congressional defense commit-  
6   tees a report on the Air-based Boost program (formerly  
7   known as the Airborne Laser program). The report shall  
8   contain the following information:

9           (1) The development schedule together with the  
10       estimated annual costs of the program through the  
11       completion of development.

12          (2) The planned procurement schedule, together  
13       with the Secretary's best estimates of the annual  
14       costs of, and number of units to be procured under,  
15       the program through the completion of the procure-  
16       ment.

17          (3) The current program acquisition unit cost,  
18       and the history of program acquisition unit costs  
19       from the date the program (including any ante-  
20       cedent program) was first included in a Selected Ac-  
21       quisition Report under section 2432 of title 10,  
22       United States Code.

23          (4) The current procurement unit cost, and the  
24       history of procurement unit costs from the date the  
25       program (including any antecedent program) was

1 first included in a Selected Acquisition Report under  
 2 such section 2432.

3 (5) The reasons for any changes in program ac-  
 4 quisition cost, program acquisition unit cost, pro-  
 5 curement cost, or procurement unit cost, and the  
 6 reasons for any changes in program schedule.

7 (6) The major contracts under the program and  
 8 the reasons for any changes in cost or schedule  
 9 variances under the contracts.

10 (7) The Test and Evaluation Master Plan de-  
 11 veloped for the program in accordance with the re-  
 12 quirements and guidance of Department of Defense  
 13 regulation 5000.2–R.

14 **SEC. 224. REPORT ON THEATER HIGH ALTITUDE AREA DE-**  
 15 **FENSE PROGRAM.**

16 (a) REQUIREMENT FOR REPORT.—Not later than  
 17 January 15, 2003, the Secretary of Defense shall submit  
 18 to the congressional defense committees a report on the  
 19 Theater High Altitude Area Defense program. The report  
 20 shall contain the following information:

21 (1) The development schedule together with the  
 22 estimated annual costs of the program through the  
 23 completion of development.

24 (2) The planned procurement schedule, together  
 25 with the Secretary’s best estimates of the annual



1 costs of, and number of units to be procured under,  
2 the program through the completion of the procure-  
3 ment.

4 (3) The current program acquisition unit cost  
5 and the history of program acquisition unit costs  
6 from the date the program (including any ante-  
7 cedent program) was first included in a Selected Ac-  
8 quisition Report under section 2432 of title 10,  
9 United States Code.

10 (4) The current procurement unit cost, and the  
11 history of procurement unit costs from the date the  
12 program (including any antecedent program) was  
13 first included in a Selected Acquisition Report under  
14 such section 2432.

15 (5) The reasons for any changes in program ac-  
16 quisition cost, program acquisition unit cost, pro-  
17 curement cost, or procurement unit cost, and the  
18 reasons for any changes in program schedule.

19 (6) The major contracts under the program and  
20 the reasons for any changes in cost or schedule  
21 variances under the contracts.

22 (7) The Test and Evaluation Master Plan de-  
23 veloped for the program in accordance with the re-  
24 quirements and guidance of Department of Defense  
25 regulation 5000.2-R.

1 (b) FUNDING LIMITATION.—Not more than 50 per-  
 2 cent of the amount authorized to be appropriated by this  
 3 Act for the United States Missile Defense Agency for the  
 4 Theater High Altitude Area Defense program may be ex-  
 5 pended until the submission of the report required under  
 6 subsection (a).

7 **SEC. 225. REFERENCES TO NEW NAME FOR BALLISTIC MIS-**  
 8 **SILE DEFENSE ORGANIZATION.**

9 (a) CONFORMING AMENDMENTS.—The following pro-  
 10 visions of law are amended by striking “Ballistic Missile  
 11 Defense Organization” each place it appears and inserting  
 12 “United States Missile Defense Agency”:

13 (1) Sections 223 and 224 of title 10, United  
 14 States Code.

15 (2) Sections 232, 233, and 235 of the National  
 16 Defense Authorization Act for Fiscal Year 2002  
 17 (Public Law 107–107).

18 (b) OTHER REFERENCES.—Any reference to the Bal-  
 19 listic Missile Defense Organization in any other provision  
 20 of law or in any regulation, map, document, record, or  
 21 other paper of the United States shall be considered to  
 22 be a reference to the United States Missile Defense Agen-  
 23 cy.

1 **Subtitle D—Improved Management**  
2 **of Department of Defense Test**  
3 **and Evaluation Facilities**

4 **SEC. 231. DEPARTMENT OF DEFENSE TEST AND EVALUA-**  
5 **TION RESOURCE ENTERPRISE.**

6 (a) ESTABLISHMENT.—Section 139 of title 10,  
7 United States Code, is amended by adding at the end the  
8 following new subsection:

9 “(k)(1) There is a Test and Evaluation Resource En-  
10 terprise within the Department of Defense. The head of  
11 the Test and Evaluation Resource Enterprise shall report  
12 to the Director of Operational Test and Evaluation.

13 “(2)(A) The head of the Test and Evaluation Re-  
14 source Enterprise shall manage all funds available to the  
15 Department of Defense for the support of investment in,  
16 operation and maintenance of, development of, and man-  
17 agement of the test and evaluation facilities and resources  
18 of the Major Range and Test Facility Base. All such funds  
19 shall be transferred to and placed under the control of the  
20 head of the Department of Defense Test and Evaluation  
21 Resource Enterprise.

22 “(B) Subparagraph (A) shall not be construed to au-  
23 thorize the head of the Test and Evaluation Enterprise,  
24 nor to impair the authority of the Secretary of a military  
25 department, to manage the funds available to that military

1 department for the support of investment in, operation  
2 and maintenance of, development of, and management of  
3 the training facilities and resources of the Major Range  
4 and Test Facility Base.

5 “(3) The head of the Test and Evaluation Resource  
6 Enterprise shall—

7 “(A) ensure that the planning for and execution  
8 of the testing of a system within the Major Range  
9 and Test Facility Base is performed by the activity  
10 of a military department that is responsible for the  
11 testing;

12 “(B) ensure that the military department oper-  
13 ating a facility or resource within the Major Range  
14 and Test Facility Base charges an organization  
15 using the facility or resource for testing only the in-  
16 cremental cost of the operation of the facility or re-  
17 source that is attributable to the testing;

18 “(C) ensure that the military department oper-  
19 ating a facility or resource within the Major Range  
20 and Test Facility Base comprehensively and consist-  
21 ently applies sound enterprise management practices  
22 in the management of the facility or resource;

23 “(D) make investments that are prudent for en-  
24 suring that Department of Defense test and evalua-  
25 tion facilities and resources are adequate to meet the

1 current and future testing requirements of Depart-  
2 ment of Defense programs;

3 “(E) ensure that there is in place a simplified  
4 financial management and accounting system for  
5 Department of Defense test and evaluation facilities  
6 and resources and that the system is uniformly ap-  
7 plied to the operation of such facilities and resources  
8 throughout the Department; and

9 “(F) ensure that unnecessary costs of owning  
10 and operating Department of Defense test and eval-  
11 uation resources are not incurred.

12 “(4) In this section, the term ‘Major Range and Test  
13 Facility Base’ means the test and evaluation facilities and  
14 resources that are designated by the Under Secretary of  
15 Defense for Acquisition, Logistics, and Technology as fa-  
16 cilities and resources comprising the Major Range and  
17 Test Facility Base.”.

18 (b) EFFECTIVE DATE AND TRANSITION REQUIRE-  
19 MENTS.—(1) The amendment made by paragraph (1)  
20 shall take effect one year after the date of the enactment  
21 of this Act.

22 (2)(A) The Secretary of Defense shall develop a tran-  
23 sition plan to ensure that the head of the Test and Evalua-  
24 tion Resource Enterprise is prepared to assume the re-  
25 sponsibilities under subsection (k) of section 139 of title

1 10, United States Code (as added by subsection (a)), on  
 2 the effective date provided in paragraph (1).

3 (B) Until the Test and Evaluation Resource Enter-  
 4 prise has been established, all investments of \$500,000 or  
 5 more in the Major Range and Test Facility Base of the  
 6 Department of Defense shall be subject to the approval  
 7 of the Director of Operational Test and Evaluation.

8 (C) In this paragraph, the term “Major Range and  
 9 Test Facility Base” has the meaning given that term in  
 10 section 139(k)(4) of title 10, United States Code, as added  
 11 by subsection (a).

12 **SEC. 232. TRANSFER OF TESTING FUNDS FROM PROGRAM**  
 13 **ACCOUNTS TO INFRASTRUCTURE ACCOUNTS.**

14 (a) **TRANSFER OF FUNDS.**—Notwithstanding any  
 15 other provision of this Act, amounts authorized to be ap-  
 16 propriated by this title for demonstration and validation,  
 17 engineering and manufacturing development, and oper-  
 18 ational systems development shall be transferred to the  
 19 major test and evaluation investment programs of the  
 20 military departments and to the Central Test and Evalua-  
 21 tion Investment Program of the Department of Defense,  
 22 as follows:

23 (1) For transfer to the major test and evalua-  
 24 tion investment program of the Army, the amount  
 25 equal to 0.625 percent of the total amount author-

1        ized to be appropriated by this title for the Army for  
2        demonstration and validation, engineering and man-  
3        ufacturing development, and operational systems de-  
4        velopment.

5            (2) For transfer to the major test and evalua-  
6        tion investment program of the Navy, the amount  
7        equal to 0.625 percent of the total amount author-  
8        ized to be appropriated by this title for the Navy for  
9        demonstration and validation, engineering and man-  
10      ufacturing development, and operational systems de-  
11      velopment.

12           (3) For transfer to the major test and evalua-  
13      tion investment program of the Air Force, the  
14      amount equal to 0.625 percent of the total amount  
15      authorized to be appropriated by this title for the  
16      Air Force for demonstration and validation, engi-  
17      neering and manufacturing development, and oper-  
18      ational systems development.

19           (4) For transfer to the Central Test and Eval-  
20      uation Investment Program of the Department of  
21      Defense, the amount equal to 0.625 percent of the  
22      total amount authorized to be appropriated by this  
23      title for Defense-wide demonstration and validation,  
24      engineering and manufacturing development, and  
25      operational systems development.

1 (b) INSTITUTIONAL FUNDING OF TEST AND EVALUA-  
 2 TION FACILITIES.—(1)(A) Chapter 433 of title 10, United  
 3 States Code, is amended by inserting after the table of  
 4 sections at the beginning of such chapter the following new  
 5 section:

6 **“§ 4531. Test and evaluation: use of facilities**

7 “(a) CHARGES FOR USE.—The Secretary of the  
 8 Army may charge an entity for using a facility or resource  
 9 of the Army within the Major Range and Test Facility  
 10 Base for testing. The amount charged may not exceed the  
 11 incremental cost to the Army of the use of the facility or  
 12 resource by that user for the testing.

13 “(b) INSTITUTIONAL AND OVERHEAD COSTS.—The  
 14 institutional and overhead costs of a facility or resource  
 15 of the Army that is within the Major Range and Test Fa-  
 16 cility Base shall be paid out of the major test and evalua-  
 17 tion investment accounts of the Army, the Central Test  
 18 and Evaluation Investment Program of the Department  
 19 of Defense, and other appropriate appropriations made di-  
 20 rectly to the Army.

21 “(c) MAJOR RANGE AND TEST FACILITY BASE DE-  
 22 FINED.—In this section:

23 “(1) The term ‘Major Range and Test Facility  
 24 Base’ has the meaning given the term in section  
 25 139(k)(4) of this title.



1           “(2) The term ‘institutional and overhead  
2           costs’, with respect to a facility or resource within  
3           the Major Range Test and Facility Base—

4                   “(A) means the costs of maintaining, oper-  
5                   ating, upgrading, and modernizing the facility  
6                   or resource; and

7                   “(B) does not include an incremental cost  
8                   of operating the facility or resource that is at-  
9                   tributable to the use of the facility or resource  
10                  for testing under a particular program.”.

11          (B) The table of section at the beginning of such  
12 chapter is amended by inserting before the item relating  
13 to section 7522 the following new item:

“4531. Test and evaluation: use of facilities.”.

14          (2)(A) Chapter 643 of title 10, United States Code,  
15 is amended by inserting after the table of sections at the  
16 beginning of such chapter the following new section:

17 **“§ 7521. Test and evaluation: use of facilities**

18          “(a) CHARGES FOR USE.—The Secretary of the Navy  
19 may charge an entity for using a facility or resource of  
20 the Navy within the Major Range and Test Facility Base  
21 for testing. The amount charged may not exceed the incre-  
22 mental cost to the Navy of the use of the facility or re-  
23 source by that user for the testing.

24          “(b) INSTITUTIONAL AND OVERHEAD COSTS.—The  
25 institutional and overhead costs of a facility or resource

1 of the Navy that is within the Major Range and Test Fa-  
 2 cility Base shall be paid out of the major test and evalua-  
 3 tion investment accounts of the Navy, the Central Test  
 4 and Evaluation Investment Program of the Department  
 5 of Defense, and other appropriate appropriations made di-  
 6 rectly to the Navy.

7 “(c) MAJOR RANGE AND TEST FACILITY BASE DE-  
 8 FINED.—In this section:

9 “(1) The term ‘Major Range and Test Facility  
 10 Base’ has the meaning given the term in section  
 11 139(k)(4) of this title.

12 “(2) The term ‘institutional and overhead  
 13 costs’, with respect to a facility or resource within  
 14 the Major Range Test and Facility Base—

15 “(A) means the costs of maintaining, oper-  
 16 ating, upgrading, and modernizing the facility  
 17 or resource; and

18 “(B) does not include an incremental cost  
 19 of operating the facility or resource that is at-  
 20 tributable to the use of the facility or resource  
 21 for testing under a particular program.”.

22 (B) The table of section at the beginning of such  
 23 chapter is amended by inserting before the item relating  
 24 to section 7522 the following new item:

“7521. Test and evaluation: use of facilities.”.

1       (3)(A) Chapter 933 of title 10, United States Code,  
 2 is amended by inserting after the table of sections at the  
 3 beginning of such chapter the following new section:

4   **“§ 9531. Test and evaluation: use of facilities**

5       “(a) CHARGES FOR USE.—The Secretary of the Air  
 6 Force may charge an entity for using a facility or resource  
 7 of the Air Force within the Major Range and Test Facility  
 8 Base for testing. The amount charged may not exceed the  
 9 incremental cost to the Air Force of the use of the facility  
 10 or resource by that user for the testing.

11       “(b) INSTITUTIONAL AND OVERHEAD COSTS.—The  
 12 institutional and overhead costs of a facility or resource  
 13 of the Air Force that is within the Major Range and Test  
 14 Facility Base shall be paid out of the major test and eval-  
 15 uation investment accounts of the Air Force, the Central  
 16 Test and Evaluation Investment Program of the Depart-  
 17 ment of Defense, and other appropriate appropriations  
 18 made directly to the Air Force.

19       “(c) MAJOR RANGE AND TEST FACILITY BASE DE-  
 20 FINED.—In this section:

21               “(1) The term ‘Major Range and Test Facility  
 22 Base’ has the meaning given the term in section  
 23 139(k)(4) of this title.

1           “(2) The term ‘institutional and overhead  
2           costs’, with respect to a facility or resource within  
3           the Major Range Test and Facility Base—

4                   “(A) means the costs of maintaining, oper-  
5           ating, upgrading, and modernizing the facility  
6           or resource; and

7                   “(B) does not include an incremental cost  
8           of operating the facility or resource that is at-  
9           tributable to the use of the facility or resource  
10          for testing under a particular program.”.

11          (B) The table of section at the beginning of such  
12          chapter is amended by inserting before the item relating  
13          to section 9532 the following new item:

          “9531. Test and evaluation: use of facilities.”.

14          (4) Not later than 30 days after the date of the enact-  
15          ment of this Act, the Under Secretary of Defense (Comp-  
16          troller) shall review the funding policies of each military  
17          department to ensure that the Secretary of the military  
18          department has in place the policies necessary to comply  
19          with the Secretary’s responsibilities under section 4531,  
20          7521, or 9531 of title 10, United States Code (as added  
21          by this subsection), as the case may be. The Under Sec-  
22          retary shall consult with the Director of Operational Test  
23          and Evaluation in carrying out the review.

1 **SEC. 233. INCREASED INVESTMENT IN TEST AND EVALUA-**  
2 **TION FACILITIES.**

3 (a) AMOUNT.—Of the amount authorized to be ap-  
4 propriated under section 201(4), \$251,276,000 shall be  
5 available for the Central Test and Evaluation Investment  
6 Program of the Department of Defense.

7 (b) ADDITIONAL AVAILABLE FUNDING.—In addition  
8 to the amount made available under subsection (a),  
9 amounts transferred pursuant to section 232(a)(4) shall  
10 be available for the Central Test and Evaluation Invest-  
11 ment Program of the Department of Defense.

12 **SEC. 234. UNIFORM FINANCIAL MANAGEMENT SYSTEM FOR**  
13 **DEPARTMENT OF DEFENSE TEST AND EVAL-**  
14 **UATION FACILITIES.**

15 (a) REQUIREMENT FOR SYSTEM.—Not later than two  
16 years after the date of the enactment of this Act, the Sec-  
17 retary of Defense shall implement a single financial man-  
18 agement and accounting system for all test and evaluation  
19 facilities of the Department of Defense.

20 (b) SYSTEM FEATURES.—The financial management  
21 and accounting system shall be designed to achieve, at a  
22 minimum, the following functional objectives:

23 (1) Enable managers within the Department of  
24 Defense to compare the costs of conducting test and  
25 evaluation activities in the various facilities of the  
26 military departments.

1 (2) Enable the Secretary of Defense—

2 (A) to make prudent investment decisions;

3 and

4 (B) to reduce the extent to which unneces-  
5 sary costs of owning and operating Department  
6 of Defense test and evaluation facilities are in-  
7 curred.

8 (3) Enable the Department of Defense to track  
9 the total cost of test and evaluation activities.

10 (4) Comply with the financial management en-  
11 terprise architecture developed by the Secretary of  
12 Defense under section 1006.

13 **SEC. 235. TEST AND EVALUATION WORKFORCE IMPROVE-**  
14 **MENTS.**

15 (a) REPORT ON CAPABILITIES.—Not later than  
16 March 15, 2003, the Under Secretary of Defense for Ac-  
17 quisition, Technology, and Logistics shall submit to Con-  
18 gress a report on the capabilities of the test and evaluation  
19 workforce of the Department of Defense. The Under Sec-  
20 retary shall consult with the Director of Operational Test  
21 and Evaluation in preparing the report.

22 (b) REQUIREMENT FOR PLAN.—(1) The report shall  
23 contain a plan for taking the actions necessary to ensure  
24 that the test and evaluation workforce of the Department  
25 of Defense is of sufficient size and has the expertise nec-

1   essary to timely and accurately identify issues of military  
2   suitability and effectiveness of Department of Defense sys-  
3   tems through testing of the systems.

4       (2) The plan shall set forth objectives for the size,  
5   composition, and qualifications of the workforce, and shall  
6   specify the actions (including recruitment, retention, and  
7   training) and milestones for achieving the objectives.

8       (c) ADDITIONAL MATTERS.—The report shall also in-  
9   clude the following matters:

10           (1) An assessment of the changing size and de-  
11   mographics of the test and evaluation workforce, in-  
12   cluding the impact of anticipated retirements among  
13   the most experienced personnel over the five-year pe-  
14   riod beginning with 2003, together with a discussion  
15   of the management actions necessary to address the  
16   changes.

17           (2) An assessment of the anticipated workloads  
18   and responsibilities of the test and evaluation work-  
19   force over the ten-year period beginning with 2003,  
20   together with the number and qualifications of mili-  
21   tary and civilian personnel necessary to carry out  
22   such workloads and responsibilities.

23           (3) The Secretary's specific plans for using the  
24   demonstration authority provided in section 4308 of  
25   the National Defense Authorization Act for Fiscal

1 Year 1996 (Public Law 104–106; 10 U.S.C. 1701  
 2 note) and other special personnel management au-  
 3 thorities of the Secretary to attract and retain quali-  
 4 fied personnel in the test and evaluation workforce.

5 (4) Any recommended legislation or additional  
 6 special authority that the Secretary considers appro-  
 7 priate for facilitating the recruitment and retention  
 8 of qualified personnel for the test and evaluation  
 9 workforce.

10 (5) Any other matters that are relevant to the  
 11 capabilities of the test and evaluation workforce.

12 **SEC. 236. COMPLIANCE WITH TEST AND EVALUATION MAS-**  
 13 **TER PLAN REQUIREMENTS.**

14 (a) IN GENERAL.—Chapter 139 of title 10, United  
 15 States Code, is amended by inserting after section 2364  
 16 the following new section 2365:

17 **“§ 2365. Test and evaluation: general requirements**

18 **“(a) COMPLIANCE WITH TEST AND EVALUATION**  
 19 **MASTER PLAN.**—The testing and evaluation of a system  
 20 shall comply with the requirements of the test and evalua-  
 21 tion master plan applicable to the system, except as pro-  
 22 vided in subsection (b).

23 **“(b) DEVIATIONS.**—(1) The test and evaluation of a  
 24 system may deviate from the requirements of an applicable  
 25 test and evaluation master plan if—



1           “(A) the deviation is agreed upon in accordance  
2           with the same procedures pursuant to which the  
3           plan was established, including the procedure for ap-  
4           proval by the Director of Operational Test and Eval-  
5           uation; or

6           “(B) the Secretary of Defense approves the de-  
7           viation.

8           “(2) The authority of the Secretary of Defense to ap-  
9           prove a deviation for the purposes of paragraph (1)(B)  
10          may not be delegated to any official other than the Deputy  
11          Secretary of Defense.

12          “(c) NOTIFICATIONS OF CONGRESS.—(1) The Sec-  
13          retary of Defense shall notify the Committees on Armed  
14          Services and on Appropriations of the Senate and the  
15          Committees on Armed Services and on Appropriations of  
16          the House of Representatives of any decision to authorize  
17          a deviation under subsection (b).

18          “(2) A notification of a deviation under paragraph  
19          (1) shall be made not later than 30 days after the date  
20          on which the deviation is authorized. The notification shall  
21          include a description of each requirement covered by the  
22          authorized deviation, together with the reasons for the de-  
23          viation.”.

24          (b) CLERICAL AMENDMENT.—The table of sections  
25          at the beginning of such chapter is amended by inserting

1 after the item relating to section 2364 the following new  
 2 item:

“2365. Test and evaluation: general requirements.”.

3 **SEC. 237. REPORT ON IMPLEMENTATION OF DEFENSE**  
 4 **SCIENCE BOARD RECOMMENDATIONS.**

5 (a) REQUIREMENT.—Not later than March 1, 2003,  
 6 the Secretary of Defense shall submit to the congressional  
 7 defense committees a report on the extent of the imple-  
 8 mentation of the recommendations set forth in the Decem-  
 9 ber 2000 Report of the Defense Science Board Task Force  
 10 on Test and Evaluation Capabilities.

11 (b) CONTENT.—The report shall include the fol-  
 12 lowing:

13 (1) For each recommendation that is being im-  
 14 plemented or that the Secretary plans to  
 15 implement—

16 (A) a summary of all actions that have  
 17 been taken to implement the recommendation;  
 18 and

19 (B) a schedule, with specific milestones,  
 20 for completing the implementation of the rec-  
 21 ommendation.

22 (2) For each recommendation that the Sec-  
 23 retary does not plan to implement—

24 (A) the reasons for the decision not to im-  
 25 plement the recommendation; and

1 (B) a summary of any alternative actions  
 2 the Secretary plans to take to address the pur-  
 3 poses underlying the recommendation.

4 (3) A summary of any additional actions the  
 5 Secretary plans to take to address concerns raised in  
 6 the December 2000 Report of the Defense Science  
 7 Board Task Force on Test and Evaluation Capabili-  
 8 ties about the state of the test and evaluation infra-  
 9 structure of the Department of Defense.

## 10 **Subtitle E—Other Matters**

### 11 **SEC. 241. PILOT PROGRAMS FOR REVITALIZING DEPART-** 12 **MENT OF DEFENSE LABORATORIES.**

13 (a) ADDITIONAL PILOT PROGRAM.—(1) The Sec-  
 14 retary of Defense may carry out a pilot program to dem-  
 15 onstrate improved efficiency in the performance of re-  
 16 search, development, test, and evaluation functions of the  
 17 Department of Defense.

18 (2) Under the pilot program, the Secretary of De-  
 19 fense shall provide the director of one science and tech-  
 20 nology laboratory, and the director of one test and evalua-  
 21 tion laboratory, of each military department with author-  
 22 ity for the following:

23 (A) To use innovative methods of personnel  
 24 management appropriate for ensuring that the se-  
 25 lected laboratories can—

1 (i) employ and retain a workforce appro-  
2 priately balanced between permanent and tem-  
3 porary personnel and among workers with ap-  
4 propriate levels of skills and experience; and

5 (ii) effectively shape workforces to ensure  
6 that the workforces have the necessary sets of  
7 skills and experience to fulfill their organiza-  
8 tional missions.

9 (B) To develop or expand innovative methods of  
10 entering into and expanding cooperative relation-  
11 ships and arrangements with private sector organi-  
12 zations, educational institutions (including primary  
13 and secondary schools), and State and local govern-  
14 ments to facilitate the training of a future scientific  
15 and technical workforce that will contribute signifi-  
16 cantly to the accomplishment of organizational mis-  
17 sions.

18 (C) To develop or expand innovative methods of  
19 establishing cooperative relationships and arrange-  
20 ments with private sector organizations and edu-  
21 cational institutions to promote the establishment of  
22 the technological industrial base in areas critical for  
23 Department of Defense technological requirements.

24 (D) To waive any restrictions not required by  
25 law that apply to the demonstration and implemen-

1       tation of methods for achieving the objectives set  
2       forth in subparagraphs (A), (B), and (C).

3       (3) The Secretary may carry out the pilot program  
4       under this subsection at each selected laboratory for a pe-  
5       riod of three years beginning not later than March 1,  
6       2003.

7       (b) RELATIONSHIP TO FISCAL YEARS 1999 AND  
8       2000 REVITALIZATION PILOT PROGRAMS.—The pilot pro-  
9       gram under this section is in addition to, but may be car-  
10      ried out in conjunction with, the fiscal years 1999 and  
11      2000 revitalization pilot programs.

12      (c) REPORTS.—(1) Not later than January 1, 2003,  
13      the Secretary shall submit to Congress a report on the  
14      experience under the fiscal years 1999 and 2000 revital-  
15      ization pilot programs in exercising the authorities pro-  
16      vided for the administration of those programs. The report  
17      shall include a description of—

18              (A) barriers to the exercise of the authorities  
19              that have been encountered;

20              (B) the proposed solutions for overcoming the  
21              barriers; and

22              (C) the progress made in overcoming the bar-  
23              riers.

24      (2) Not later than September 1, 2003, the Secretary  
25      of Defense shall submit to Congress a report on the imple-

1 mentation of the pilot program under subsection (a) and  
 2 the fiscal years 1999 and 2000 revitalization pilot pro-  
 3 grams. The report shall include, for each such pilot pro-  
 4 gram, the following:

5           (A) Each laboratory selected for the pilot pro-  
 6           gram.

7           (B) To the extent practicable, a description of  
 8           the innovative methods that are to be tested at each  
 9           laboratory.

10           (C) The criteria to be used for measuring the  
 11           success of each method to be tested.

12           (3) Not later than 90 days after the expiration of the  
 13           period for the participation of a laboratory in a pilot pro-  
 14           gram referred to in paragraph (2), the Secretary of De-  
 15           fense shall submit to Congress a final report on the par-  
 16           ticipation of that laboratory in the pilot program. The re-  
 17           port shall include the following:

18           (A) A description of the methods tested.

19           (B) The results of the testing.

20           (C) The lessons learned.

21           (D) Any proposal for legislation that the Sec-  
 22           retary recommends on the basis of the experience at  
 23           that laboratory under the pilot program.

24           (d) EXTENSION OF AUTHORITY FOR OTHER REVI-  
 25           TALIZATION PILOT PROGRAMS.—(1) Section 246(a)(4) of

1 the Strom Thurmond National Defense Authorization Act  
 2 for Fiscal Year 1999 (Public Law 105–261; 112 Stat.  
 3 1956; 10 U.S.C. 2358 note) is amended by striking “a  
 4 period of three years” and inserting “up to six years”.

5 (2) Section 245(a)(4) of the National Defense Au-  
 6 thorization Act for Fiscal Year 2000 (Public Law 106–  
 7 65; 113 Stat. 553; 10 U.S.C. 2358 note) is amended by  
 8 striking “a period of three years” and inserting “up to  
 9 five years”.

10 (e) PARTNERSHIPS UNDER PILOT PROGRAM.—(1)  
 11 The Secretary of Defense may authorize one or more lab-  
 12 oratories and test centers participating in the pilot pro-  
 13 gram under subsection (a) or in one of the fiscal years  
 14 1999 and 2000 revitalization pilot programs to enter into  
 15 a cooperative arrangement (in this subsection referred to  
 16 as a “public-private partnership”) with entities in the pri-  
 17 vate sector and institutions of higher education for the  
 18 performance of work.

19 (2) A competitive process shall be used for the selec-  
 20 tion of entities outside the Government to participate in  
 21 a public-private partnership.

22 (3)(A) Not more than one public-private partnership  
 23 may be established as a limited liability corporation.

24 (B) An entity participating in a limited liability cor-  
 25 poration as a party to a public-private partnership under

1 the pilot program may contribute funds to the corporation,  
2 accept contribution of funds for the corporation, and pro-  
3 vide materials, services, and use of facilities for research,  
4 technology, and infrastructure of the corporation, if it is  
5 determined under regulations prescribed by the Secretary  
6 of Defense that doing so will improve the efficiency of the  
7 performance of research, test, and evaluation functions of  
8 the Department of Defense.

9 (f) EXCEPTED SERVICE UNDER PILOT PROGRAM.—

10 (1) To facilitate recruitment of experts in science and en-  
11 gineering to improve the performance of research, test,  
12 and evaluation functions of the Department of Defense,  
13 the Secretary of Defense may—

14 (A) designate a total of not more than 30 sci-  
15 entific, engineering, and technology positions at the  
16 laboratories and test centers participating in the  
17 pilot program under subsection (a) or in any of the  
18 fiscal years 1999 and 2000 revitalization pilot pro-  
19 grams as positions in the excepted service (as de-  
20 fined in section 2103(a) of title 5, United States  
21 Code);

22 (B) appoint individuals to such positions; and

23 (C) fix the compensation of such individuals.

24 (2) The maximum rate of basic pay for a position  
25 in the excepted service pursuant to a designation made



1 under paragraph (1) may not exceed the maximum rate  
 2 of basic pay authorized for senior-level positions under  
 3 section 5376 of title 5, United States Code, notwith-  
 4 standing any provision of such title governing the rates  
 5 of pay or classification of employees in the executive  
 6 branch.

7 (g) FISCAL YEARS 1999 AND 2000 REVITALIZATION  
 8 PILOT PROGRAMS DEFINED.—In this section, the term  
 9 “fiscal years 1999 and 2000 revitalization pilot programs”  
 10 means the pilot programs authorized by—

11 (1) section 246 of the Strom Thurmond Na-  
 12 tional Defense Authorization Act for Fiscal Year  
 13 1999 (Public Law 105–261; 112 Stat. 1955; 10  
 14 U.S.C. 2358 note); and

15 (2) section 245 of the National Defense Author-  
 16 ization Act for Fiscal Year 2000 (Public Law 106–  
 17 65; 113 Stat. 552; 10 U.S.C. 2358 note).

18 **SEC. 242. TECHNOLOGY TRANSITION INITIATIVE.**

19 (a) ESTABLISHMENT AND CONDUCT.—(1) Chapter  
 20 139 of title 10, United States Code, is amended by insert-  
 21 ing after section 2359 the following new section:

22 **“§ 2359a. Technology Transition Initiative**

23 “(a) REQUIREMENT FOR PROGRAM.—The Secretary  
 24 of Defense shall carry out a Technology Transition Initia-  
 25 tive to facilitate the rapid transition of new technologies

1 from science and technology programs of the Department  
2 of Defense into acquisition programs for the production  
3 of the technologies.

4 “(b) OBJECTIVES.—The objectives of the Initiative  
5 are as follows:

6 “(1) To accelerate the introduction of new tech-  
7 nologies into Department of Defense acquisition pro-  
8 grams appropriate for the technologies.

9 “(2) To successfully demonstrate new tech-  
10 nologies in relevant environments.

11 “(3) To ensure that new technologies are suffi-  
12 ciently mature for production.

13 “(c) MANAGEMENT.—(1) The Secretary of Defense  
14 shall designate a senior official in the Office of the Sec-  
15 retary of Defense to manage the Initiative.

16 “(2) In administering the Initiative, the Initiative  
17 Manager shall—

18 “(A) report directly to the Under Secretary of  
19 Defense for Acquisition, Technology, and Logistics;  
20 and

21 “(B) obtain advice and other assistance from  
22 the Technology Transition Council established under  
23 subsection (e).

24 “(3) The Initiative Manager shall—

1           “(A) in consultation with the Technology Tran-  
2           sition Council established under subsection (e), iden-  
3           tify promising technologies that have been dem-  
4           onstrated in science and technology programs of the  
5           Department of Defense;

6           “(B) develop a list of those technologies that  
7           have promising potential for transition into acquisi-  
8           tion programs of the Department of Defense and  
9           transmit the list to the acquisition executive of each  
10          military department and to Congress;

11          “(C) identify potential sponsors in the Depart-  
12          ment of Defense to undertake the transition of such  
13          technologies into production;

14          “(D) work with the science and technology com-  
15          munity and the acquisition community to develop  
16          memoranda of agreement, joint funding agreements,  
17          and other cooperative arrangements to provide for  
18          the transition of the technologies into production;  
19          and

20          “(E) provide funding support for selected  
21          projects under subsection (d).

22          “(d) JOINTLY FUNDED PROJECTS.—(1) The acquisi-  
23          tion executive of each military department shall select  
24          technology projects of the military department to rec-  
25          ommend for funding support under the Initiative and shall

1 submit a list of the recommended projects, ranked in order  
2 of priority, to the Initiative Manager. The projects shall  
3 be selected, in a competitive process, on the basis of the  
4 highest potential benefits in areas of interest identified by  
5 the Secretary of that military department.

6 “(2) The Initiative Manager, in consultation with the  
7 Technology Transition Council established under sub-  
8 section (e), shall select projects for funding support from  
9 among the projects on the lists submitted under paragraph  
10 (1). The Initiative Manager shall provide funds for each  
11 selected project. The total amount provided for a project  
12 shall be determined by agreement between the Initiative  
13 Manager and the acquisition executive of the military de-  
14 partment concerned, but shall not be less than the amount  
15 equal to 50 percent of the total cost of the project.

16 “(3) The Initiative Manager shall not fund any one  
17 project under this subsection for more than 3 years.

18 “(4) The acquisition executive of the military depart-  
19 ment shall manage each project selected under paragraph  
20 (2) that is undertaken by the military department. Memo-  
21 randa of agreement, joint funding agreements, and other  
22 cooperative arrangements between the science and tech-  
23 nology community and the acquisition community shall be  
24 used in carrying out the project if the acquisition executive

1 determines that it is appropriate to do so to achieve the  
2 objectives of the project.

3 “(e) TECHNOLOGY TRANSITION COUNCIL.—(1)

4 There is a Technology Transition Council in the Depart-  
5 ment of Defense. The Council is composed of the following  
6 members:

7 “(A) The science and technology executives of  
8 the military departments and Defense Agencies.

9 “(B) The acquisition executives of the military  
10 departments.

11 “(C) The members of the Joint Requirements  
12 Oversight Council.

13 “(2) The Technology Transition Council shall provide  
14 advice and assistance to the Initiative Manager under this  
15 section.

16 “(f) DEFINITIONS.—In this section:

17 “(1) The term ‘acquisition executive’, with re-  
18 spect to a military department, means the official  
19 designated as the senior procurement executive for  
20 that military department under section 16(3) of the  
21 Office of Federal Procurement Policy Act (41 U.S.C.  
22 414(3)).

23 “(2) The term ‘Initiative’ means the Tech-  
24 nology Transition Initiative carried out under this  
25 section.

1           “(3) The term ‘Initiative Manager’ means the  
2           official designated to manage the Initiative under  
3           subsection (c).”.

4           (2) The table of sections at the beginning of such  
5           chapter is amended by inserting after the item relating  
6           to section 2395 the following new item:

          “2359a. Technology Transition Initiative.”.

7           (b) AUTHORIZATION OF APPROPRIATIONS.—Of the  
8           amount authorized to be appropriated under section  
9           201(4), \$50,000,000 shall be available for the Technology  
10          Transition Initiative under section 2359a of title 10,  
11          United States Code (as added by subsection (a)), and for  
12          other technology transition activities of the Department  
13          of Defense.

14       **SEC. 243. ENCOURAGEMENT OF SMALL BUSINESSES AND**  
15                       **NONTRADITIONAL DEFENSE CONTRACTORS**  
16                       **TO SUBMIT PROPOSALS POTENTIALLY BENE-**  
17                       **FICIAL FOR COMBATING TERRORISM.**

18          (a) ESTABLISHMENT OF OUTREACH PROGRAM.—  
19          During the 3-year period beginning on the date of the en-  
20          actment of this Act, the Secretary of Defense shall carry  
21          out a program of outreach to small businesses and non-  
22          traditional defense contractors for the purpose set forth  
23          in subsection (b).

24          (b) PURPOSE.—The purpose of the outreach program  
25          is to provide a process for reviewing and evaluating re-

1 search activities of, and new technologies being developed  
2 by, small businesses and nontraditional defense contrac-  
3 tors that have the potential for meeting a defense require-  
4 ment or technology development goal of the Department  
5 of Defense that relates to the mission of the Department  
6 of Defense to combat terrorism.

7 (c) GOALS.—The goals of the outreach program are  
8 as follows:

9 (1) To increase efforts within the Department  
10 of Defense to survey and identify technologies being  
11 developed outside the Department that have the po-  
12 tential described in subsection (b).

13 (2) To provide the Under Secretary of Defense  
14 for Acquisition, Technology, and Logistics with a  
15 source of expert advice on new technologies for com-  
16 bating terrorism.

17 (3) To increase efforts to educate nontradi-  
18 tional defense contractors on Department of Defense  
19 acquisition processes, including regulations, proce-  
20 dures, funding opportunities, military needs and re-  
21 quirements, and technology transfer so as to encour-  
22 age such contractors to submit proposals regarding  
23 research activities and technologies described in sub-  
24 section (b).

1           (4) To increase efforts to provide timely re-  
2        sponse by the Department of Defense to acquisition  
3        proposals (including unsolicited proposals) submitted  
4        to the Department by small businesses and by non-  
5        traditional defense contractors regarding research  
6        activities and technologies described in subsection  
7        (b), including through the use of electronic trans-  
8        actions to facilitate the processing of proposals.

9        (d) REVIEW PANEL.—(1) The Secretary shall ap-  
10     point, under the outreach program, a panel for the review  
11     and evaluation of proposals described in subsection (c)(4).

12       (2) The panel shall be composed of qualified per-  
13     sonnel from the military departments, relevant Defense  
14     Agencies, industry, academia, and other private sector or-  
15     ganizations.

16       (3) The panel shall review and evaluate proposals  
17     that, as determined by the panel, may present a unique  
18     and valuable approach for meeting a defense requirement  
19     or technology development goal related to combating ter-  
20     rorism. In carrying out duties under this paragraph, the  
21     panel may act through representatives designated by the  
22     panel.

23       (4) The panel shall—

24           (A) within 60 days after receiving such a pro-  
25     posal, transmit to the source of the proposal a notifi-



1 cation regarding whether the proposal has been se-  
2 lected for review by the panel;

3 (B) to the maximum extent practicable, com-  
4 plete the review of each selected proposal within 120  
5 days after the proposal is selected for review by the  
6 panel; and

7 (C) after completing the review, transmit an  
8 evaluation of the proposal to the source of the pro-  
9 posal.

10 (5) The Secretary shall ensure that the panel, in re-  
11 viewing and evaluating proposals under this subsection,  
12 has the authority to obtain assistance, to a reasonable ex-  
13 tent, from the appropriate technical resources of the lab-  
14 oratories, research, development, and engineering centers,  
15 test and evaluation activities, and other elements of the  
16 Department of Defense.

17 (6) If, after completing the review of a proposal, the  
18 panel determines that the proposal represents a unique  
19 and valuable approach to meeting a defense requirement  
20 or technology development goal related to combating ter-  
21 rorism, the panel shall submit that determination to the  
22 Under Secretary of Defense for Acquisition, Technology,  
23 and Logistics together with any recommendations that the  
24 panel considers appropriate regarding the proposal.

1       (7) The Secretary of Defense shall ensure that there  
2 is no conflict of interest on the part of a member of the  
3 panel with respect to the review and evaluation of a pro-  
4 posal by the panel.

5       (e) DEFINITIONS.—In this section:

6           (1) The term “nontraditional defense con-  
7 tractor” means an entity that has not, for at least  
8 one year prior to the date of the enactment of this  
9 Act, entered into, or performed with respect to, any  
10 contract described in paragraph (1) or (2) of section  
11 845(e) of the National Defense Authorization Act  
12 for Fiscal Year 1994 (10 U.S.C. 2371 note).

13          (2) The term “small business” means a busi-  
14 ness concern that meets the applicable size stand-  
15 ards prescribed pursuant to section 3(a) of the  
16 Small Business Act (15 U.S.C. 632(a)).

17 **SEC. 244. VEHICLE FUEL CELL PROGRAM.**

18       (a) PROGRAM.—The Secretary of Defense shall carry  
19 out a vehicle fuel cell technology development program in  
20 cooperation with the Secretary of Energy, the heads of  
21 other Federal agencies appropriate for participation in the  
22 program, and industry.

23       (b) GOALS AND OBJECTIVES.—The goals and objec-  
24 tives of the program shall be as follows:

1           (1) To identify and support technological ad-  
2           vances that are necessary for the development of fuel  
3           cell technology for use in vehicles of types to be used  
4           by the Department of Defense.

5           (2) To ensure that critical technology advances  
6           are shared among the various fuel cell technology  
7           programs within the Federal Government.

8           (3) To ensure maximum leverage of Federal  
9           Government funding for fuel cell technology develop-  
10          ment.

11          (c) CONTENT OF PROGRAM.—The program shall  
12          include—

13           (1) development of vehicle propulsion tech-  
14           nologies and fuel cell auxiliary power units, together  
15           with pilot demonstrations of such technologies, as  
16           appropriate; and

17           (2) development of technologies necessary to ad-  
18           dress critical issues such as hydrogen storage and  
19           the need for a hydrogen fuel infrastructure.

20          (d) COOPERATION WITH INDUSTRY.—(1) The Sec-  
21          retary shall include the automobile and truck manufac-  
22          turing industry and its systems and component suppliers  
23          in the cooperative involvement of industry in the program.

24           (2) The Secretary of Defense shall consider whether,  
25          in order to facilitate the cooperation of industry in the

1 program, the Secretary and one or more companies in in-  
 2 dustry should enter into a cooperative agreement that es-  
 3 tablishes an entity to carry out activities required under  
 4 subsection (c). An entity established by any such agree-  
 5 ment shall be known as a defense industry fuel cell part-  
 6 nership.

7 (3) The Secretary of Defense shall provide for indus-  
 8 try to bear, in cash or in kind, at least one-half of the  
 9 total cost of carrying out the program.

10 (e) AMOUNT FOR PROGRAM.—Of the amount author-  
 11 ized to be appropriated by section 201(4), \$10,000,000  
 12 shall be available for the program required by this section.

13 **SEC. 245. DEFENSE NANOTECHNOLOGY RESEARCH AND DE-**  
 14 **VELOPMENT PROGRAM.**

15 (a) ESTABLISHMENT.—The Secretary of Defense  
 16 shall carry out a defense nanotechnology research and de-  
 17 velopment program.

18 (b) PURPOSES.—The purposes of the program are as  
 19 follows:

20 (1) To ensure United States global superiority  
 21 in nanotechnology necessary for meeting national se-  
 22 curity requirements.

23 (2) To coordinate all nanoscale research and  
 24 development within the Department of Defense, and  
 25 to provide for interagency cooperation and collabora-

1       tion on nanoscale research and development between  
2       the Department of Defense and other departments  
3       and agencies of the United States that are involved  
4       in nanoscale research and development.

5           (3) To develop and manage a portfolio of fun-  
6       damental and applied nanoscience and engineering  
7       research initiatives that is stable, consistent, and  
8       balanced across scientific disciplines.

9           (4) To accelerate the transition and deployment  
10      of technologies and concepts derived from nanoscale  
11      research and development into the Armed Forces,  
12      and to establish policies, procedures, and standards  
13      for measuring the success of such efforts.

14          (5) To collect, synthesize, and disseminate crit-  
15      ical information on nanoscale research and develop-  
16      ment.

17      (c) ADMINISTRATION.—In carrying out the program,  
18      the Secretary shall act through the Director of Defense  
19      Research and Engineering, who shall supervise the plan-  
20      ning, management, and coordination of the program. The  
21      Director, in consultation with the Secretaries of the mili-  
22      tary departments and the heads of participating Defense  
23      Agencies and other departments and agencies of the  
24      United States, shall—

1           (1) prescribe a set of long-term challenges and  
2           a set of specific technical goals for the program;

3           (2) develop a coordinated and integrated re-  
4           search and investment plan for meeting the long-  
5           term challenges and achieving the specific technical  
6           goals; and

7           (3) develop memoranda of agreement, joint  
8           funding agreements, and other cooperative arrange-  
9           ments necessary for meeting the long-term chal-  
10          lenges and achieving the specific technical goals.

11          (d) ANNUAL REPORT.—Not later than March 1 of  
12          each of 2004, 2005, 2006, and 2007, the Director of De-  
13          fense Research and Engineering shall submit to the con-  
14          gressional defense committees a report on the program.  
15          The report shall contain the following matters:

16               (1) A review of—

17                       (A) the long-term challenges and specific  
18                       goals of the program; and

19                       (B) the progress made toward meeting the  
20                       challenges and achieving the goals.

21           (2) An assessment of current and proposed  
22           funding levels, including the adequacy of such fund-  
23           ing levels to support program activities.

1           (3) A review of the coordination of activities  
2       within the Department of Defense and with other  
3       departments and agencies.

4           (4) An assessment of the extent to which effective  
5       technology transition paths have been established  
6       as a result of activities under the program.

7           (5) Recommendations for additional program  
8       activities to meet emerging national security requirements.  
9

## 10       **TITLE III—OPERATION AND** 11       **MAINTENANCE**

### 12       **Subtitle A—Authorization of** 13       **Appropriations**

#### 14       **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

15       (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
16       are hereby authorized to be appropriated for fiscal year  
17       2003 for the use of the Armed Forces and other activities  
18       and agencies of the Department of Defense for expenses,  
19       not otherwise provided for, for operation and maintenance,  
20       in amounts as follows:

21               (1) For the Army, \$24,195,242,000.

22               (2) For the Navy, \$29,368,961,000.

23               (3) For the Marine Corps, \$3,558,732,000.

24               (4) For the Air Force, \$27,448,764,000.

1           (5)       For       Defense-wide       activities,  
2       \$14,492,266,000.

3           (6) For the Army Reserve, \$1,962,610,000.

4           (7) For the Naval Reserve, \$1,233,759,000.

5           (8)   For   the   Marine   Corps   Reserve,  
6       \$190,532,000.

7           (9) For the Air Force Reserve, \$2,165,004,000.

8           (10)   For   the   Army   National   Guard,  
9       \$4,506,267,000.

10          (11)   For   the   Air   National   Guard,  
11       \$4,114,910,000.

12          (12)   For   the   Defense   Inspector   General,  
13       \$155,165,000.

14          (13)   For   the   United   States   Court   of   Appeals  
15       for the Armed Forces, \$9,614,000.

16          (14)   For   Environmental   Restoration,   Army,  
17       \$395,900,000.

18          (15)   For   Environmental   Restoration,   Navy,  
19       \$256,948,000.

20          (16)   For   Environmental   Restoration,   Air   Force,  
21       \$389,773,000.

22          (17)   For   Environmental   Restoration,   Defense-  
23       wide, \$23,498,000.

24          (18)   For   Environmental   Restoration,   Formerly  
25       Used Defense Sites, \$252,102,000.



1           (19) For Overseas Humanitarian, Disaster, and  
2       Civic Aid programs, \$58,400,000.

3           (20) For Drug Interdiction and Counter-drug  
4       Activities, Defense-wide, \$873,907,000.

5           (21) For the Kaho'olawe Island Conveyance,  
6       Remediation, and Environmental Restoration Trust  
7       Fund, \$25,000,000.

8           (22) For Defense Health Program,  
9       \$14,202,441,000.

10          (23) For Cooperative Threat Reduction pro-  
11       grams, \$416,700,000.

12          (24) For Overseas Contingency Operations  
13       Transfer Fund, \$50,000,000.

14          (25) For Support for International Sporting  
15       Competitions, Defense, \$19,000,000.

16       (b) ADJUSTMENT.—The total amount authorized to  
17   be appropriated pursuant to subsection (a) is reduced  
18   by—

19           (1) \$159,790,000, which represents savings re-  
20       sulting from reduced travel; and

21           (2) \$615,200,000, which represents savings re-  
22       sulting from foreign currency fluctuations.

23   **SEC. 302. WORKING CAPITAL FUNDS.**

24       Funds are hereby authorized to be appropriated for  
25   fiscal year 2003 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense for  
2 providing capital for working capital and revolving funds  
3 in amounts as follows:

4 (1) For the Defense Working Capital Funds,  
5 \$387,156,000.

6 (2) For the National Defense Sealift Fund,  
7 \$934,129,000.

8 (3) For the Defense Commissary Agency Work-  
9 ing Capital Fund, \$969,200,000.

10 (4) For the Pentagon Reservation Maintenance  
11 Revolving Fund, \$328,000,000.

12 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

13 There is hereby authorized to be appropriated for fis-  
14 cal year 2003 from the Armed Forces Retirement Home  
15 Trust Fund the sum of \$69,921,000 for the operation of  
16 the Armed Forces Retirement Home, including the Armed  
17 Forces Retirement Home—Washington and the Armed  
18 Forces Retirement Home—Gulfport.

19 **SEC. 304. RANGE ENHANCEMENT INITIATIVE FUND.**

20 (a) AVAILABILITY OF FUNDS.—Of the amount au-  
21 thorized to be appropriated by section 301(a)(5) for oper-  
22 ation and maintenance for defense-wide activities,  
23 \$20,000,000 shall be available for the Range Enhance-  
24 ment Initiative Fund for the purpose specified in sub-  
25 section (b).

1       (b) PURPOSE.—Subject to subsection (c), amounts  
2 authorized to be appropriated for the Range Enhancement  
3 Initiative Fund shall be available to the Secretary of De-  
4 fense and the Secretaries of the military departments to  
5 purchase restrictive easements, including easements that  
6 implement agreements entered into under section 2697 of  
7 title 10, United States Code, as added by section 2811  
8 of this Act.

9       (c) TRANSFER OF AMOUNTS.—(1) Amounts in the  
10 Range Enhancement Initiative Fund shall, subject to ap-  
11 plicable limitations in appropriations Acts, be made avail-  
12 able to the Secretary of a military department under sub-  
13 section (b) by transfer from the Fund to the applicable  
14 operation and maintenance account of the military depart-  
15 ment, including the operation and maintenance account  
16 for the active component, or for a reserve component, of  
17 the military department.

18       (2) Authority to transfer amounts under paragraph  
19 (1) is in addition to any other authority to transfer funds  
20 under this Act.

## **Subtitle B—Environmental Provisions**

### **SEC. 311. ENHANCEMENT OF AUTHORITY ON COOPERATIVE AGREEMENTS FOR ENVIRONMENTAL PURPOSES.**

Section 2701(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) CROSS-FISCAL YEAR AGREEMENTS.—An agreement with an agency under paragraph (1) may be for a period that begins in one fiscal year and ends in another fiscal year if (without regard to any option to extend the period of the agreement) the period of the agreement does not exceed two years.”.

### **SEC. 312. MODIFICATION OF AUTHORITY TO CARRY OUT CONSTRUCTION PROJECTS FOR ENVIRONMENTAL RESPONSES.**

(a) RESTATEMENT AND MODIFICATION OF AUTHORITY.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

1   **“§ 2711. Environmental restoration projects for envi-**  
2                   **ronmental responses**

3           “(a) The Secretary of Defense or the Secretary of  
4 a military department may carry out an environmental  
5 restoration project if that Secretary determines that the  
6 project is necessary to carry out a response under this  
7 chapter or CERCLA.

8           “(b) Any construction, development, conversion, or  
9 extension of a structure or installation of equipment that  
10 is included in an environmental restoration project may  
11 not be considered military construction (as that term is  
12 defined in section 2801(a) of this title).

13          “(c) Funds authorized for deposit in an account es-  
14 tablished by section 2703(a) of this title shall be the only  
15 source of funds to conduct an environmental restoration  
16 project under this section.

17          “(d) In this section, the term ‘environmental restora-  
18 tion project’ includes construction, development, conver-  
19 sion, or extension of a structure or installation of equip-  
20 ment in direct support of a response.”.

21          (2) The table of sections at the beginning of that  
22 chapter is amended by adding at the end the following  
23 new item:

“2711. Environmental restoration projects for environmental responses.”.

24          (b) REPEAL OF SUPERSEDED PROVISION.—(1) Sec-  
25 tion 2810 of title 10, United States Code, is repealed.

1       (2) The table of sections at the beginning of chapter  
2 169 of that title is amended by striking the item relating  
3 to section 2810.

4 **SEC. 313. INCREASED PROCUREMENT OF ENVIRON-**  
5 **MENTALLY PREFERABLE PRODUCTS.**

6       (a) **PROCUREMENT GOALS.**—(1) The Secretary of  
7 Defense shall establish goals for the increased procure-  
8 ment by the Department of Defense of procurement items  
9 that are environmentally preferable or are made with re-  
10 covered materials.

11       (2) The goals established under paragraph (1) shall  
12 be consistent with the requirements of section 6002 of the  
13 Solid Waste Disposal Act (42 U.S.C. 6962).

14       (3) In establishing goals under paragraph (1), the  
15 Secretary shall review the Comprehensive Procurement  
16 Guidelines and Guidance on Acquisition of Environ-  
17 mentally Preferable Products and Services developed pur-  
18 suant to Executive Order 13101 and products identified  
19 as environmentally preferable in the Federal Logistics In-  
20 formation System.

21       (4) In establishing goals under paragraph (1), the  
22 Secretary shall establish a procurement goal for each cat-  
23 egory of procurement items that is environmentally pref-  
24 erable or is made with recovered materials.

1       (5) The goals established under paragraph (1) shall  
2 apply to Department purchases in each category of pro-  
3 curement items designated by the Secretary for purposes  
4 of paragraph (4), but shall not apply to—

5           (A) products or services purchased by Depart-  
6 ment contractors and subcontractors, even if such  
7 products or services are incorporated into procure-  
8 ment items purchased by the Department; or

9           (B) credit card purchases or other local pur-  
10 chases that are made outside the requisitioning proc-  
11 ess of the Department.

12       (b) ASSESSMENT OF TRAINING AND EDUCATION.—  
13 The Secretary shall assess the need to establish a pro-  
14 gram, or enhance existing programs, for training and edu-  
15 cating Department of Defense procurement officials and  
16 contractors to ensure that they are aware of Department  
17 requirements, preferences, and goals for the procurement  
18 of items that are environmentally preferable or are made  
19 with recovered materials.

20       (c) TRACKING SYSTEM.—The Secretary shall develop  
21 a tracking system to identify the extent to which the De-  
22 partment of Defense is procuring items that are environ-  
23 mentally preferable or are made with recovered materials.  
24 The tracking system shall separately track procurement

1 of each category of procurement items for which a goal  
2 has been established under subsection (a)(4).

3 (d) INITIAL REPORT.—Not later than 120 days after  
4 the date of the enactment of this Act, the Secretary shall  
5 submit to the congressional defense committees a report  
6 that sets forth—

7 (1) the initial goals the Secretary plans to es-  
8 tablish under subsection (a); and

9 (2) the findings of the Secretary as a result of  
10 the assessment under subsection (b), together with  
11 any recommendations of the Secretary as a result of  
12 the assessment.

13 (e) IMPLEMENTATION.—Not later than 180 days  
14 after the date of the enactment of this Act, the Secretary  
15 shall—

16 (1) establish an initial set of goals in accord-  
17 ance subsection (a);

18 (2) begin the implementation of any rec-  
19 ommendations of the Secretary under subsection  
20 (d)(2) as a result of the assessment under subsection  
21 (b); and

22 (3) implement the tracking system required by  
23 subsection (c).

24 (f) ANNUAL REPORT.—Not later than March 1 of  
25 each year from 2004 through 2007, the Secretary shall



1 submit to Congress a report on the progress made in the  
2 implementation of this section. Each report shall—

3 (1) identify each category of procurement items  
4 for which a goal has been established under sub-  
5 section (a) as of the end of such year; and

6 (2) provide information from the tracking sys-  
7 tem required by subsection (b) that indicates the ex-  
8 tent to which the Department has met the goal for  
9 the category of procurement items as of the end of  
10 such year.

11 (g) DEFINITIONS.—In this section:

12 (1) ENVIRONMENTALLY PREFERABLE.—The  
13 term “environmentally preferable”, in the case of a  
14 procurement item, means that the item has a lesser  
15 or reduced effect on human health and the environ-  
16 ment when compared with competing procurement  
17 items that serve the same purpose. The comparison  
18 may be based upon consideration of raw materials  
19 acquisition, production, manufacturing, packaging,  
20 distribution, reuse, operation, maintenance, or dis-  
21 posal of the procurement item, or other appropriate  
22 matters.

23 (2) PROCUREMENT ITEM.—The term “procure-  
24 ment item” has the meaning given that term in sec-

1        tion 1004(16) of the Solid Waste Disposal Act (40  
2        U.S.C. 6903(16)).

3            (3) RECOVERED MATERIALS.—The term “re-  
4        covered materials” means waste materials and by-  
5        products that have been recovered or diverted from  
6        solid waste, but does not include materials and by-  
7        products generated from, and commonly used within,  
8        an original manufacturing process.

9        **SEC. 314. CLEANUP OF UNEXPLODED ORDNANCE ON**  
10        **KAHO’OLAWA ISLAND, HAWAII.**

11        (a) LEVEL OF CLEANUP REQUIRED.—The Secretary  
12        of the Navy shall continue activities for the clearance and  
13        removal of unexploded ordnance on the Island of  
14        Kaho’olawe, Hawaii, and related remediation activities,  
15        until the later of the following dates:

16            (1) The date on which the Kaho’olawe Island  
17        access control period expires.

18            (2) The date on which the Secretary achieves  
19        each of the following objectives:

20            (A) The inspection and assessment of all of  
21        Kaho’olawe Island in accordance with current  
22        procedures.

23            (B) The clearance of 75 percent of  
24        Kaho’olawe Island to the degree specified in the

1 Tier One standards in the memorandum of un-  
2 derstanding.

3 (C) The clearance of 25 percent of  
4 Kaho’olawe Island to the degree specified in the  
5 Tier Two standards in the memorandum of un-  
6 derstanding.

7 (b) DEFINITIONS.—In this section:

8 (1) The term “Kaho’olawe Island access control  
9 period” means the period for which the Secretary of  
10 the Navy is authorized to retain the control of access  
11 to the Island of Kaho’olawe, Hawaii, under title X  
12 of the Department of Defense Appropriations Act,  
13 1994 (Public Law 103–139; 107 Stat. 1480).

14 (2) The term “memorandum of understanding”  
15 means the Memorandum of Understanding Between  
16 the United States Department of the Navy and the  
17 State of Hawaii Concerning the Island of  
18 Kaho’olawe, Hawaii.

1     **Subtitle C—Defense Dependents’**  
2                     **Education**

3     **SEC. 331. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
4                     **THAT BENEFIT DEPENDENTS OF MEMBERS**  
5                     **OF THE ARMED FORCES AND DEPARTMENT**  
6                     **OF DEFENSE CIVILIAN EMPLOYEES.**

7             (a) CONTINUATION OF DEPARTMENT OF DEFENSE  
8     PROGRAM FOR FISCAL YEAR 2003.—Of the amount au-  
9     thorized to be appropriated pursuant to section 301(a)(5)  
10    for operation and maintenance for Defense-wide activities,  
11    \$30,000,000 shall be available only for the purpose of pro-  
12    viding educational agencies assistance to local educational  
13    agencies.

14            (b) NOTIFICATION.—Not later than June 30, 2003,  
15    the Secretary of Defense shall notify each local edu-  
16    cational agency that is eligible for assistance or a payment  
17    under subsection (a) for fiscal year 2003 of—

18               (1) that agency’s eligibility for the assistance or  
19               payment; and

20               (2) the amount of the assistance or payment for  
21               which that agency is eligible.

22            (c) DISBURSEMENT OF FUNDS.—The Secretary of  
23    Defense shall disburse funds made available under sub-  
24    section (a) not later than 30 days after the date on which

1 notification to the eligible local educational agencies is  
2 provided pursuant to subsection (b).

3 (d) DEFINITIONS.—In this section:

4 (1) The term “educational agencies assistance”  
5 means assistance authorized under section 386(b) of  
6 the National Defense Authorization Act for Fiscal  
7 Year 1993 (Public Law 102–484; 20 U.S.C. 7703  
8 note).

9 (2) The term “local educational agency” has  
10 the meaning given that term in section 8013(9) of  
11 the Elementary and Secondary Education Act of  
12 1965 (20 U.S.C. 7713(9)).

13 **SEC. 332. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
14 **ABILITIES.**

15 Of the amount authorized to be appropriated pursu-  
16 ant to section 301(a)(5) for operation and maintenance  
17 for Defense-wide activities, \$5,000,000 shall be available  
18 for payments under section 363 of the Floyd D. Spence  
19 National Defense Authorization Act for Fiscal Year 2001  
20 (as enacted into law by Public Law 106–398; 114 Stat.  
21 1654A–77; 20 U.S.C. 7703a).

1 **SEC. 333. OPTIONS FOR FUNDING DEPENDENT SUMMER**  
 2 **SCHOOL PROGRAMS.**

3 Section 1402(d)(2) of the Defense Dependents' Edu-  
 4 cation Act of 1978 (20 U.S.C. 921(d)(2)) is amended to  
 5 read as follows:

6 “(2) The Secretary shall provide any summer school  
 7 program under this subsection on the same financial basis  
 8 as programs offered during the regular school year, except  
 9 that the Secretary may charge reasonable fees for all or  
 10 portions of such summer school programs to the extent  
 11 that the Secretary determines appropriate.”.

12 **SEC. 334. COMPTROLLER GENERAL STUDY OF ADEQUACY**  
 13 **OF COMPENSATION PROVIDED FOR TEACH-**  
 14 **ERS IN THE DEPARTMENT OF DEFENSE**  
 15 **OVERSEAS DEPENDENTS' SCHOOLS.**

16 (a) ADDITIONAL CONSIDERATION FOR STUDY.—Sub-  
 17 section (b) of section 354 of the National Defense Author-  
 18 ization Act for Fiscal Year 2002 (Public Law 107–107;  
 19 115 Stat. 1064) is amended by inserting after paragraph  
 20 (2) the following new paragraph:

21 “(3) Whether the process for setting teacher  
 22 compensation is efficient and cost effective.”.

23 (b) EXTENSION OF TIME FOR REPORTING.—Sub-  
 24 section (c) of such section is amended by striking “May  
 25 1, 2002” and inserting “December 12, 2002”.

## **Subtitle D—Other Matters**

### **SEC. 341. USE OF HUMANITARIAN AND CIVIC ASSISTANCE FUNDS FOR RESERVE COMPONENT MEMBERS OF SPECIAL OPERATIONS COMMAND EN- GAGED IN ACTIVITIES RELATING TO CLEAR- ANCE OF LANDMINES.**

Section 401(c) of title 10, United States Code, is amended by adding at the end the following new paragraph (5):

“(5) Up to 10 percent of the amount available for a fiscal year for activities described in subsection (e)(5) may be expended for the pay and allowances of reserve component members of the Special Operations Command performing duty in connection with training and activities related to the clearing of landmines for humanitarian purposes.”.

### **SEC. 342. CALCULATION OF FIVE-YEAR PERIOD OF LIMITA- TION FOR NAVY-MARINE CORPS INTRANET CONTRACT.**

(a) COMMENCEMENT OF PERIOD.—The five-year period of limitation that is applicable to the multiyear Navy-Marine Corps Intranet contract under section 2306c of title 10, United States Code, shall be deemed to have begun on the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics and the

1 Chief Information Officer of the Department of Defense  
 2 approved the ordering of additional workstations under  
 3 such contract in accordance with subsection (c) of section  
 4 814 of the Floyd D. Spence National Defense Authoriza-  
 5 tion Act for Fiscal Year 2001, as added by section 362(a)  
 6 of the National Defense Authorization Act for Fiscal Year  
 7 2002 (Public Law 107–107; 115 Stat. 1065).

8 (b) DEFINITION.—In this section, the term “Navy-  
 9 Marine Corps Intranet contract” has the meaning given  
 10 such term in section 814(i)(1) of the Floyd D. Spence Na-  
 11 tional Defense Authorization Act for Fiscal Year 2001 (as  
 12 amended by section 362(c) of Public Law 107–107 (115  
 13 Stat. 1067)).

14 **SEC. 343. REIMBURSEMENT FOR RESERVE COMPONENT IN-**  
 15 **TELLIGENCE SUPPORT.**

16 (a) SOURCE OF FUNDS.—Chapter 1003 of title 10,  
 17 United States Code, is amended by adding at the end the  
 18 following new section:

19 **“§ 10115. Reimbursement for reserve component in-**  
 20 **telligence support**

21 “(a) AUTHORITY.—Funds appropriated or otherwise  
 22 made available to a military department, Defense Agency,  
 23 or combatant command for operation and maintenance  
 24 shall be available for the pay, allowances, and other costs  
 25 that would be charged to appropriations for a reserve com-



ponent for the performance of duties by members of that reserve component in providing intelligence or counter-intelligence support to—

“(1) such military department, Defense Agency, or combatant command; or

“(2) a joint intelligence activity, including any such activity for which funds are authorized to be appropriated within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence and Related Activities aggregate (or any successor to such program or aggregate).

“(b) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed to authorize deviation from established reserve component personnel or training procedures.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“10115. Reimbursement for reserve component intelligence support.”.

**SEC. 344. CLARIFICATION OF CORE LOGISTICS CAPABILITIES.**

Section 2464(a)(3) of title 10, United States Code, is amended by striking “those capabilities” and all that follows through “four years” and inserting “those logistics capabilities (including acquisition logistics capabilities,

1 supply management capabilities, system engineering capa-  
 2 bilities, maintenance capabilities, and modification man-  
 3 agement capabilities) that are necessary to maintain, re-  
 4 pair, and sustain the weapon systems and other military  
 5 equipment (including mission-essential weapon systems or  
 6 materiel) not later than two years”.

7 **SEC. 345. REBATE AGREEMENTS UNDER THE SPECIAL SUP-**  
 8 **PLEMENTAL FOOD PROGRAM.**

9 (a) **APPLICABILITY TO NAVY EXCHANGE MAR-**  
 10 **KETS.**—Paragraph (1)(A) of section 1060a(e) of title 10,  
 11 United States Code, is amended by inserting “or Navy Ex-  
 12 change Markets” after “commissary stores”.

13 (b) **INCREASED MAXIMUM PERIOD OF AGREE-**  
 14 **MENT.**—Paragraph (3) of such section 1060a(e) is amend-  
 15 ed by striking “subsection may not exceed one year” in  
 16 the first sentence and inserting “subsection, including any  
 17 period of extension of the contract by modification of the  
 18 contract, exercise of an option, or other cause, may not  
 19 exceed three years”.

20 **TITLE IV—MILITARY**  
 21 **PERSONNEL AUTHORIZATIONS**  
 22 **Subtitle A—Active Forces**

23 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

24 The Armed Forces are authorized strengths for active  
 25 duty personnel as of September 30, 2003, as follows:

- 1 (1) The Army, 480,000.
- 2 (2) The Navy, 375,700.
- 3 (3) The Marine Corps, 175,000.
- 4 (4) The Air Force, 359,000.

5 **SEC. 402. AUTHORITY TO INCREASE STRENGTH AND GRADE**  
 6 **LIMITATIONS TO ACCOUNT FOR RESERVE**  
 7 **COMPONENT MEMBERS ON ACTIVE DUTY IN**  
 8 **SUPPORT OF A CONTINGENCY OPERATION.**

9 (a) ACTIVE DUTY STRENGTH.—Section 115(c)(1) of  
 10 title 10, United States Code, is amended to read as fol-  
 11 lows:

12 “(1) increase the end strength authorized pur-  
 13 suant to subsection (a)(1)(A) for a fiscal year for  
 14 any of the armed forces by—

15 “(A) a number equal to not more than 2  
 16 percent of that end strength;

17 “(B) a number equal to the number of  
 18 members of the reserve components of that  
 19 armed force on active duty under section  
 20 12301(d) of this title in support of a contin-  
 21 gency operation in that fiscal year; or

22 “(C) a number not greater than the sum  
 23 of the numbers authorized by subparagraphs  
 24 (A) and (B).”.

1 (b) AUTHORIZED DAILY AVERAGE FOR MEMBERS IN  
 2 PAY GRADES E-8 AND E-9 ON ACTIVE DUTY.—Section  
 3 517 of such title is amended by adding at the end the  
 4 following new paragraph:

5 “(d) The Secretary of Defense may increase the au-  
 6 thorized daily average number of enlisted members on ac-  
 7 tive duty in an armed force in pay grades E-8 and E-  
 8 9 in a fiscal year under subsection (a) by the number of  
 9 enlisted members of reserve components of that armed  
 10 force in pay grades E-8 and E-9, respectively, that are  
 11 on active duty in that fiscal year under section 12301(d)  
 12 of this title in support of a contingency operation.”.

13 (c) AUTHORIZED STRENGTHS FOR COMMISSIONED  
 14 OFFICERS IN PAY GRADES O-4, O-5, AND O-6 ON AC-  
 15 TIVE DUTY.—Section 523 of such title is amended—

16 (1) in subsection (a), by striking “subsection  
 17 (c)” in paragraphs (1) and (2) and inserting “sub-  
 18 sections (c) and (e)”;

19 (2) by adding at the end the following new sub-  
 20 section:

21 “(e) The Secretary of Defense may increase the au-  
 22 thorized total number of commissioned officers serving on  
 23 active duty in the Army, Navy, Air Force, or Marine Corps  
 24 in a grade referred to in subsection (c) at the end of any  
 25 fiscal year under that subsection by the number of com-

1 missioned officers of reserve components of the Army,  
 2 Navy, Air Force, or Marine Corps, respectively, that are  
 3 then serving on active duty in that grade under section  
 4 12301(d) of this title in support of a contingency oper-  
 5 ation.”.

6 (d) AUTHORIZED STRENGTHS FOR GENERAL AND  
 7 FLAG OFFICERS ON ACTIVE DUTY.—Section 526(a) of  
 8 such title is amended—

9 (1) by redesignating paragraphs (1), (2), (3),  
 10 and (4) as subparagraphs (A), (B), (C), and (D), re-  
 11 spectively;

12 (2) by striking “LIMITATIONS.—The” and in-  
 13 serting “LIMITATIONS.—(1) Except as provided in  
 14 paragraph (2), the”; and

15 (3) by adding at the end the following new  
 16 paragraph (2):

17 “(2) The Secretary of Defense may increase the num-  
 18 ber of general and flag officers authorized to be on active  
 19 duty in the Army, Navy, Air Force, or Marine Corps under  
 20 paragraph (1) by the number of reserve general or flag  
 21 officers of reserve components of the Army, Navy, Air  
 22 Force, or Marine Corps, respectively, that are on active  
 23 duty under section 12301(d) of this title in support of a  
 24 contingency operation.”.

1 **SEC. 403. INCREASED ALLOWANCE FOR NUMBER OF MA-**  
 2 **RINE CORPS GENERAL OFFICERS ON ACTIVE**  
 3 **DUTY IN GRADES ABOVE MAJOR GENERAL.**

4 Section 525(b)(2)(B) of title 10, United States Code,  
 5 is amended by striking “16.2 percent” and inserting “17.5  
 6 percent”.

7 **SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR MA-**  
 8 **RINE CORPS OFFICERS ON ACTIVE DUTY IN**  
 9 **THE GRADE OF COLONEL.**

10 The table in section 523(a)(1) of title 10, United  
 11 States Code, is amended by striking the figures under the  
 12 heading “Colonel” in the portion of the table relating to  
 13 the Marine Corps and inserting the following:

“571  
 632  
 653  
 673  
 694  
 715  
 735”.

14 **Subtitle B—Reserve Forces**

15 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

16 (a) IN GENERAL.—The Armed Forces are authorized  
 17 strengths for Selected Reserve personnel of the reserve  
 18 components as of September 30, 2003, as follows:

19 (1) The Army National Guard of the United  
 20 States, 350,000.

21 (2) The Army Reserve, 205,000.

22 (3) The Naval Reserve, 87,800.

1 (4) The Marine Corps Reserve, 39,558.

2 (5) The Air National Guard of the United  
3 States, 106,600.

4 (6) The Air Force Reserve, 75,600.

5 (7) The Coast Guard Reserve, 9,000.

6 (b) ADJUSTMENTS.—The end strengths prescribed by  
7 subsection (a) for the Selected Reserve of any reserve com-  
8 ponent shall be proportionately reduced by—

9 (1) the total authorized strength of units orga-  
10 nized to serve as units of the Selected Reserve of  
11 such component which are on active duty (other  
12 than for training) at the end of the fiscal year; and

13 (2) the total number of individual members not  
14 in units organized to serve as units of the Selected  
15 Reserve of such component who are on active duty  
16 (other than for training or for unsatisfactory partici-  
17 pation in training) without their consent at the end  
18 of the fiscal year.

19 Whenever such units or such individual members are re-  
20 leased from active duty during any fiscal year, the end  
21 strength prescribed for such fiscal year for the Selected  
22 Reserve of such reserve component shall be proportion-  
23 ately increased by the total authorized strengths of such  
24 units and by the total number of such individual members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
 2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section  
 4 411(a), the reserve components of the Armed Forces are  
 5 authorized, as of September 30, 2003, the following num-  
 6 ber of Reserves to be serving on full-time active duty or  
 7 full-time duty, in the case of members of the National  
 8 Guard, for the purpose of organizing, administering, re-  
 9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United  
 11 States, 24,492.

12 (2) The Army Reserve, 13,888.

13 (3) The Naval Reserve, 14,572.

14 (4) The Marine Corps Reserve, 2,261.

15 (5) The Air National Guard of the United  
 16 States, 11,727.

17 (6) The Air Force Reserve, 1,498.

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
 19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual  
 21 status) as of the last day of fiscal year 2003 for the re-  
 22 serve components of the Army and the Air Force (notwith-  
 23 standing section 129 of title 10, United States Code) shall  
 24 be the following:

25 (1) For the Army Reserve, 6,599.



1           (2) For the Army National Guard of the United  
2       States, 24,102.

3           (3) For the Air Force Reserve, 9,911.

4           (4) For the Air National Guard of the United  
5       States, 22,495.

6 **SEC. 414. FISCAL YEAR 2003 LIMITATIONS ON NON-DUAL**  
7 **STATUS TECHNICIANS.**

8       (a) LIMITATIONS.—(1) Within the limitation pro-  
9       vided in section 10217(c)(2) of title 10, United States  
10      Code, the number of non-dual status technicians employed  
11      by the National Guard as of September 30, 2003, may  
12      not exceed the following:

13           (A) For the Army National Guard of the  
14      United States, 1,600.

15           (B) For the Air National Guard of the United  
16      States, 350.

17       (2) The number of non-dual status technicians em-  
18      ployed by the Army Reserve as of September 30, 2003,  
19      may not exceed 995.

20       (3) The Air Force Reserve may not employ any per-  
21      son as a non-dual status technician during fiscal year  
22      2003.

23       (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
24      this section, the term “non-dual status technician” has the

1 meaning given the term in section 10217(a) of title 10,  
 2 United States Code.

### 3           **Subtitle C—Authorization of** 4                           **Appropriations**

#### 5   **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-** 6                           **TARY PERSONNEL.**

7           There is hereby authorized to be appropriated to the  
 8 Department of Defense for military personnel for fiscal  
 9 year 2003 a total of \$94,352,208,000. The authorization  
 10 in the preceding sentence supersedes any other authoriza-  
 11 tion of appropriations (definite or indefinite) for such pur-  
 12 pose for fiscal year 2003.

### 13   **TITLE V—MILITARY PERSONNEL** 14                           **POLICY**

#### 15           **Subtitle A—Officer Personnel** 16                           **Policy**

#### 17   **SEC. 501. EXTENSION OF CERTAIN REQUIREMENTS AND EX-** 18                           **CLUSIONS APPLICABLE TO SERVICE OF GEN-** 19                           **ERAL AND FLAG OFFICERS ON ACTIVE DUTY** 20                           **IN CERTAIN JOINT DUTY ASSIGNMENTS.**

21           (a) RECOMMENDATIONS FOR ASSIGNMENT TO SEN-  
 22 IOR JOINT OFFICER POSITIONS.—Section 604(c) of title  
 23 10, United States Code, is amended by striking “Sep-  
 24 tember 30, 2003” and inserting “December 31, 2003”.

1 (b) INAPPLICABILITY OF GRADE DISTRIBUTION RE-  
 2 QUIREMENTS.—Section 525(b)(5)(C) of such title is  
 3 amended by striking “September 30, 2003” and inserting  
 4 “December 31, 2003”.

5 (c) EXCLUSION FROM STRENGTH LIMITATION.—Sec-  
 6 tion 526(b)(3) of such title is amended by striking “Octo-  
 7 ber 1, 2002” and inserting “December 31, 2003”.

8 **SEC. 502. EXTENSION OF AUTHORITY TO WAIVE REQUIRE-**  
 9 **MENT FOR SIGNIFICANT JOINT DUTY EXPERI-**  
 10 **ENCE FOR APPOINTMENT AS A CHIEF OF A**  
 11 **RESERVE COMPONENT OR A NATIONAL**  
 12 **GUARD DIRECTOR.**

13 (a) CHIEF OF ARMY RESERVE.—Section 3038(b)(4)  
 14 of title 10, United States Code, is amended by striking  
 15 “October 1, 2003” and inserting “December 31, 2003”.

16 (b) CHIEF OF NAVAL RESERVE.—Section 5143(b)(4)  
 17 of such title is amended by striking “October 1, 2003”  
 18 and inserting “December 31, 2003”.

19 (c) COMMANDER, MARINE FORCES RESERVE.—Sec-  
 20 tion 5144(b)(4) of such title is amended by striking “Octo-  
 21 ber 1, 2003” and inserting “December 31, 2003”.

22 (d) CHIEF OF AIR FORCE RESERVE.—Section  
 23 8038(b)(4) of such title 10, United States Code, is amend-  
 24 ed by striking “October 1, 2003” and inserting “Decem-  
 25 ber 31, 2003”.

1 (e) DIRECTORS OF THE NATIONAL GUARD.—Section  
 2 10506(a)(3)(D) of such title is amended by striking “Oc-  
 3 tober 1, 2003” and inserting “December 31, 2003”.

## 4 **Subtitle B—Reserve Component** 5 **Personnel Policy**

### 6 **SEC. 511. TIME FOR COMMENCEMENT OF INITIAL PERIOD** 7 **OF ACTIVE DUTY FOR TRAINING UPON EN-** 8 **LISTMENT IN RESERVE COMPONENT.**

9 Section 12103(d) of title 10, United States Code, is  
 10 amended by striking “270 days” in the second sentence  
 11 and inserting “one year”.

### 12 **SEC. 512. AUTHORITY FOR LIMITED EXTENSION OF MED-** 13 **ICAL DEFERMENT OF MANDATORY RETIRE-** 14 **MENT OR SEPARATION OF RESERVE COMPO-** 15 **NENT OFFICER.**

16 (a) AUTHORITY.—Chapter 1407 of title 10, United  
 17 States Code, is amended by adding at the end the fol-  
 18 lowing new section:

#### 19 **“§ 14519. Deferral of retirement or separation for** 20 **medical reasons**

21 “(a) AUTHORITY.—If, in the case of an officer re-  
 22 quired to be retired or separated under this chapter or  
 23 chapter 1409 of this title, the Secretary concerned deter-  
 24 mines that the evaluation of the physical condition of the  
 25 officer and determination of the officer’s entitlement to

1 retirement or separation for physical disability require  
 2 hospitalization or medical observation and that such hos-  
 3 pitalization or medical observation cannot be completed  
 4 with confidence in a manner consistent with the officer's  
 5 well being before the date on which the officer would oth-  
 6 erwise be required to retire or be separated, the Secretary  
 7 may defer the retirement or separation of the officer.

8 “(b) PERIOD OF DEFERMENT.—A deferral of retire-  
 9 ment or separation under subsection (a) may not extend  
 10 for more than 30 days after the completion of the evalua-  
 11 tion requiring hospitalization or medical observation.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of such chapter is amended by adding  
 14 at the end the following new item:

“14519. Deferment of retirement or separation for medical reasons.”.

## 15 **Subtitle C—Education and** 16 **Training**

### 17 **SEC. 521. INCREASE IN AUTHORIZED STRENGTHS FOR THE** 18 **SERVICE ACADEMIES.**

19 (a) UNITED STATES MILITARY ACADEMY.—Section  
 20 4342 of title 10, United States Code, is amended—

21 (1) in subsection (a), by striking “4,000” in the  
 22 first sentence and inserting “4,400”; and

23 (2) in subsection (i), by striking “variance in  
 24 that limitation” and inserting “variance above that  
 25 limitation”.

1 (b) UNITED STATES NAVAL ACADEMY.—Section  
2 6954 of title 10, United States Code, is amended—

3 (1) in subsection (a), by striking “4,000” in the  
4 first sentence and inserting “4,400”; and

5 (2) in subsection (g), by striking “variance in  
6 that limitation” and inserting “variance above that  
7 limitation”.

8 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
9 9342 of title 10, United States Code, is amended—

10 (1) in subsection (a), by striking “4,000” in the  
11 first sentence and inserting “4,400”; and

12 (2) in subsection (i), by striking “variance in  
13 that limitation” and inserting “variance above that  
14 limitation”.

## 15 **Subtitle D—Decorations, Awards,** 16 **and Commendations**

### 17 **SEC. 531. WAIVER OF TIME LIMITATIONS FOR AWARD OF** 18 **CERTAIN DECORATIONS TO CERTAIN PER-** 19 **SONS.**

20 (a) WAIVER.—Any limitation established by law or  
21 policy for the time within which a recommendation for the  
22 award of a military decoration or award must be sub-  
23 mitted shall not apply to awards of decorations described  
24 in this section, the award of each such decoration having  
25 been determined by the Secretary concerned to be war-

1 ranted in accordance with section 1130 of title 10, United  
2 States Code.

3 (b) DISTINGUISHED-SERVICE CROSS OF THE  
4 ARMY.—Subsection (a) applies to the award of the Distin-  
5 guished-Service Cross of the Army as follows:

6 (1) To Henry Johnson of Albany, New York,  
7 for extraordinary heroism in France during the pe-  
8 riod of May 13 to 15, 1918, while serving as a mem-  
9 ber of the Army.

10 (2) To Hilliard Carter of Jackson, Mississippi,  
11 for extraordinary heroism in actions near Troung  
12 Loung, Republic of Vietnam, on September 28,  
13 1966, while serving as a member of the Army.

14 (3) To Albert C. Welch of Highland Ranch,  
15 Colorado, for extraordinary heroism in actions in  
16 Ong Thanh, Binh Long Province, Republic of Viet-  
17 nam, on October 17, 1967, while serving as a mem-  
18 ber of the Army.

19 (c) DISTINGUISHED FLYING CROSS OF THE NAVY.—  
20 Subsection (a) applies to the award of the Distinguished  
21 Flying Cross of the Navy as follows:

22 (1) To Eduguardo Coppola of Falls Church,  
23 Virginia, for extraordinary achievement while par-  
24 ticipating in aerial flight during World War II, while  
25 serving as a member of the Navy.

1           (2) To James Hoisington, Jr., of Stillman Val-  
2       ley, Illinois, for extraordinary achievement while par-  
3       ticipating in aerial flight during World War II, while  
4       serving as a member of the Navy.

5           (3) To William M. Melvin of Lawrenceburg,  
6       Tennessee, for extraordinary achievement while par-  
7       ticipating in aerial flight during World War II, while  
8       serving as a member of the Navy.

9           (4) To Vincent Urbank of Tom River, New Jer-  
10      sey, for extraordinary achievement while partici-  
11      pating in aerial flight during World War II, while  
12      serving as a member of the Navy.

13 **SEC. 532. KOREA DEFENSE SERVICE MEDAL.**

14       (a) FINDINGS.—Congress makes the following find-  
15      ings:

16           (1) More than 40,000 members of the United  
17      States Armed Forces have served on the Korean Pe-  
18      ninsula each year since the signing of the cease-fire  
19      agreement in July 1953 ending the Korean War.

20           (2) An estimated 1,200 members of the United  
21      States Armed Forces died as a direct result of their  
22      service in Korea since the cease-fire agreement in  
23      July 1953.



1 (b) ARMY.—(1) Chapter 357 of title 10, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing new section:

4 **“§ 3755. Korea Defense Service Medal**

5 “(a) The Secretary of the Army shall issue a cam-  
6 paign medal, to be known as the Korea Defense Service  
7 Medal, to each person who while a member of the Army  
8 served in the Republic of Korea or the waters adjacent  
9 thereto during the KDSM eligibility period and met the  
10 service requirements for the award of that medal pre-  
11 scribed under subsection (c).

12 “(b) In this section, the term ‘KDSM eligibility pe-  
13 riod’ means the period beginning on July 28, 1954, and  
14 ending on such date after the date of the enactment of  
15 this section as may be determined by the Secretary of De-  
16 fense to be appropriate for terminating eligibility for the  
17 Korea Defense Service Medal.

18 “(c) The Secretary of the Army shall prescribe service  
19 requirements for eligibility for the Korea Defense Service  
20 Medal. Those requirements shall not be more stringent  
21 than the service requirements for award of the Armed  
22 Forces Expeditionary Medal for instances in which the  
23 award of that medal is authorized.”.

1       (2) The table of sections at the beginning of such  
 2 chapter is amended by adding at the end the following  
 3 new item:

“3755. Korea Defense Service Medal.”.

4       (c) NAVY AND MARINE CORPS.—(1) Chapter 567 of  
 5 title 10, United States Code, is amended by adding at the  
 6 end the following new section:

7   **“§ 6257. Korea Defense Service Medal**

8       “(a) The Secretary of the Navy shall issue a cam-  
 9 paign medal, to be known as the Korea Defense Service  
 10 Medal, to each person who while a member of the Navy  
 11 or Marine Corps served in the Republic of Korea or the  
 12 waters adjacent thereto during the KDSM eligibility pe-  
 13 riod and met the service requirements for the award of  
 14 that medal prescribed under subsection (c).

15       “(b) In this section, the term ‘KDSM eligibility pe-  
 16 riod’ means the period beginning on July 28, 1954, and  
 17 ending on such date after the date of the enactment of  
 18 this section as may be determined by the Secretary of De-  
 19 fense to be appropriate for terminating eligibility for the  
 20 Korea Defense Service Medal.

21       “(c) The Secretary of the Navy shall prescribe service  
 22 requirements for eligibility for the Korea Defense Service  
 23 Medal. Those requirements shall not be more stringent  
 24 than the service requirements for award of the Armed

1 Forces Expeditionary Medal for instances in which the  
2 award of that medal is authorized.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by adding at the end the following  
5 new item:

“6257. Korea Defense Service Medal.”.

6 (d) AIR FORCE.—(1) Chapter 857 of title 10, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing new section:

9 **“§ 8755. Korea Defense Service Medal**

10 “(a) The Secretary of the Air Force shall issue a  
11 campaign medal, to be known as the Korea Defense Serv-  
12 ice Medal, to each person who while a member of the Air  
13 Force served in the Republic of Korea or the waters adja-  
14 cent thereto during the KDSM eligibility period and met  
15 the service requirements for the award of that medal pre-  
16 scribed under subsection (c).

17 “(b) In this section, the term ‘KDSM eligibility pe-  
18 riod’ means the period beginning on July 28, 1954, and  
19 ending on such date after the date of the enactment of  
20 this section as may be determined by the Secretary of De-  
21 fense to be appropriate for terminating eligibility for the  
22 Korea Defense Service Medal.

23 “(c) The Secretary of the Air Force shall prescribe  
24 service requirements for eligibility for the Korea Defense  
25 Service Medal. Those requirements shall not be more

1 stringent than the service requirements for award of the  
 2 Armed Forces Expeditionary Medal for instances in which  
 3 the award of that medal is authorized.”.

4 (2) The table of sections at the beginning of such  
 5 chapter is amended by adding at the end the following  
 6 new item:

“8755. Korea Defense Service Medal.”.

7 (e) AWARD FOR SERVICE BEFORE DATE OF ENACT-  
 8 MENT.—The Secretary of the military department con-  
 9 cerned shall take appropriate steps to provide in a timely  
 10 manner for the issuance of the Korea Defense Service  
 11 Medal, upon application therefor, to persons whose eligi-  
 12 bility for that medal is by reason of service in the Republic  
 13 of Korea or the waters adjacent thereto before the date  
 14 of the enactment of this Act.

## 15 **Subtitle E—National Call to** 16 **Service**

### 17 **SEC. 541. ENLISTMENT INCENTIVES FOR PURSUIT OF** 18 **SKILLS TO FACILITATE NATIONAL SERVICE.**

19 (a) AUTHORITY.—(1) Chapter 5 of title 37, United  
 20 States Code, is amended by adding at the end the fol-  
 21 lowing new section:

#### 22 **“§ 326. Enlistment incentives for pursuit of skills to** 23 **facilitate national service**

24 “(a) INCENTIVES AUTHORIZED.—The Secretary of  
 25 Defense may carry out a program in accordance with the

1 provisions of this section under which program a National  
 2 Call to Service participant described in subsection (b) shall  
 3 be entitled to an incentive specified in subsection (d).

4 “(b) NATIONAL CALL TO SERVICE PARTICIPANT.—

5 In this section, the term ‘National Call to Service partici-  
 6 pant’ means a person who first enlists in the armed forces  
 7 pursuant to a written agreement (prescribed by the Sec-  
 8 retary of the military department concerned) under which  
 9 agreement the person shall—

10 “(1) upon completion of initial entry training  
 11 (as prescribed by the Secretary of Defense), serve on  
 12 active duty in the armed forces in a military occupa-  
 13 tional specialty designated by the Secretary of De-  
 14 fense under subsection (c) for a period of 15  
 15 months; and

16 “(2) upon completion of such service on active  
 17 duty, and without a break in service, serve the min-  
 18 imum period of obligated service specified in the  
 19 agreement under this section—

20 “(A) on active duty in the armed forces;

21 “(B) in the Selected Reserve;

22 “(C) in the Individual Ready Reserve;

23 “(D) in the Peace Corps, Americorps, or  
 24 another national service program jointly des-  
 25 ignated by the Secretary of Defense and the

1 head of such program for purposes of this sec-  
2 tion; or

3 “(E) in any combination of service referred  
4 to in subparagraphs (A) through (D) that is ap-  
5 proved by the Secretary of the military depart-  
6 ment concerned pursuant to regulations pre-  
7 scribed by the Secretary of Defense.

8 “(c) DESIGNATED MILITARY OCCUPATIONAL SPE-  
9 CIALTIES.—The Secretary of Defense shall designate mili-  
10 tary occupational specialties for purposes of subsection  
11 (b)(1). Such military occupational specialties shall be mili-  
12 tary occupational specialties that will facilitate, as deter-  
13 mined by the Secretary, pursuit of national service by Na-  
14 tional Call to Service participants during and after their  
15 completion of duty or service under an agreement under  
16 subsection (b).

17 “(d) INCENTIVES.—The incentives specified in this  
18 subsection are as follows:

19 “(1) Payment of a bonus in the amount of  
20 \$5,000.

21 “(2) Payment of outstanding principal and in-  
22 terest on qualifying student loans of the National  
23 Call to Service participant in an amount not to ex-  
24 ceed \$18,000.

1           “(3) Entitlement to an allowance for edu-  
2           cational assistance at the monthly rate equal to the  
3           monthly rate payable for basic educational assist-  
4           ance allowances under section 3015(a)(1) of title 38  
5           for a total of 12 months.

6           “(4) Entitlement to an allowance for edu-  
7           cational assistance at the monthly rate equal to  $\frac{2}{3}$   
8           of the monthly rate payable for basic educational as-  
9           sistance allowances under section 3015(b)(1) of title  
10          38 for a total of 36 months.

11          “(e) ELECTION OF INCENTIVES.—A National Call to  
12          Service participant shall elect in the agreement under sub-  
13          section (b) which incentive under subsection (d) to receive.  
14          An election under this subsection is irrevocable.

15          “(f) PAYMENT OF BONUS AMOUNTS.—(1) Payment  
16          to a National Call to Service participant of the bonus  
17          elected by the National Call to Service participant under  
18          subsection (d)(1) shall be made in such time and manner  
19          as the Secretary of Defense shall prescribe.

20          “(2)(A) Payment of outstanding principal and inter-  
21          est on the qualifying student loans of a National Call to  
22          Service participant, as elected under subsection (d)(2),  
23          shall be made in such time and manner as the Secretary  
24          of Defense shall prescribe.

1       “(B) Payment under this paragraph of the out-  
2 standing principal and interest on the qualifying student  
3 loans of a National Call to Service participant shall be  
4 made to the holder of such student loans, as identified  
5 by the National Call to Service participant to the Sec-  
6 retary of the military department concerned for purposes  
7 of such payment.

8       “(3) Payment of a bonus or incentive in accordance  
9 with this subsection shall be made by the Secretary of the  
10 military department concerned.

11       “(g) COORDINATION WITH MONTGOMERY GI BILL  
12 BENEFITS.—(1) A National Call to Service participant  
13 who elects an incentive under paragraph (3) or (4) of sub-  
14 section (d) is not entitled to educational assistance under  
15 chapter 1606 of title 10 or basic educational assistance  
16 under subchapter II of chapter 30 of title 38.

17       “(2)(A) The Secretary of Defense shall, to the max-  
18 imum extent practicable, administer the receipt by Na-  
19 tional Call to Service participants of incentives under  
20 paragraph (3) or (4) of subsection (d) as if such National  
21 Call to Service participants were, in receiving such incen-  
22 tives, receiving educational assistance for members of the  
23 Selected Reserve under chapter 1606 of title 10.

24       “(B) The Secretary of Defense shall, in consultation  
25 with the Secretary of Veterans Affairs, prescribe regula-



1 tions for purposes of subparagraph (A). Such regulations  
 2 shall, to the maximum extent practicable, take into ac-  
 3 count the administrative provisions of chapters 30 and 36  
 4 of title 38 that are specified in section 16136 of title 10.

5 “(3) Except as provided in paragraph (1), nothing  
 6 in this section shall prohibit a National Call to Service  
 7 participant who satisfies through service under subsection  
 8 (b) the eligibility requirements for educational assistance  
 9 under chapter 1606 of title 10 or basic educational assist-  
 10 ance under chapter 30 of title 38 from an entitlement to  
 11 such educational assistance under chapter 1606 of title 10  
 12 or basic educational assistance under chapter 30 of title  
 13 38, as the case may be.

14 “(h) REPAYMENT.—(1) If a National Call to Service  
 15 participant who has entered into an agreement under sub-  
 16 section (b) and received or benefited from an incentive  
 17 under subsection (d)(1) or (d)(2) fails to complete the  
 18 total period of service specified in such agreement, the Na-  
 19 tional Call to Service participant shall refund to the  
 20 United States the amount that bears the same ratio to  
 21 the amount of the incentive as the uncompleted part of  
 22 such service bears to the total period of such service.

23 “(2) Subject to paragraph (3), an obligation to reim-  
 24 burse the United States imposed under paragraph (1) is  
 25 for all purposes a debt owed to the United States.

1       “(3) The Secretary concerned may waive, in whole  
2 or in part, a reimbursement required under paragraph (1)  
3 if the Secretary concerned determines that recovery would  
4 be against equity and good conscience or would be con-  
5 trary to the best interests of the United States.

6       “(4) A discharge in bankruptcy under title 11 that  
7 is entered into less than 5 years after the termination of  
8 an agreement entered into under subsection (b) does not  
9 discharge the person signing the agreement from a debt  
10 arising under the agreement or under paragraph (1).

11       “(i) FUNDING.—Amounts for payment of incentives  
12 under subsection (d), including payment of allowances for  
13 educational assistance under that subsection, shall be de-  
14 rived from amounts available to the Secretary of the mili-  
15 tary department concerned for payment of pay, allow-  
16 ances, and other expenses of the members of the armed  
17 force concerned.

18       “(j) REGULATIONS.—The Secretary of Defense and  
19 the Secretaries of the military departments shall prescribe  
20 regulations for purposes of the program under this sec-  
21 tion.

22       “(k) DEFINITIONS.—In this section:

23               “(1) The term ‘Americorps’ means the  
24 Americorps program carried out under subtitle C of

1 title I of the National and Community Service Act  
2 of 1990 (42 U.S.C. 12571 et seq.).

3 “(2) The term ‘qualifying student loan’ means  
4 a loan, the proceeds of which were used to pay the  
5 cost of attendance (as defined in section 472 of the  
6 Higher Education Act of 1965 (20 U.S.C. 1087ll) at  
7 an institution of higher education (as defined in sec-  
8 tion 101 of the Higher Education Act of 1965 (20  
9 U.S.C. 1001).

10 “(3) The term ‘Secretary of a military depart-  
11 ment’ includes the Secretary of Transportation, with  
12 respect to matters concerning the Coast Guard when  
13 it is not operating as a service in the Navy.”.

14 (2) The table of sections at the beginning of that  
15 chapter is amended by inserting after the item relating  
16 to section 325 the following new item:

“326. Enlistment incentives for pursuit of skills to facilitate national service.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 subsection (a) shall take effect on October 1, 2002. No  
19 individual entering into an enlistment before that date  
20 may participate in the program under section 326 of title  
21 37, United States Code, as added by that subsection.

1 **SEC. 542. MILITARY RECRUITER ACCESS TO INSTITUTIONS**  
2 **OF HIGHER EDUCATION.**

3 (a) ACCESS TO INSTITUTIONS OF HIGHER EDU-  
4 CATION.—Section 503 of title 10, United States Code, is  
5 amended—

6 (1) by redesignating subsection (d) as sub-  
7 section (e); and

8 (2) by inserting after subsection (c) the fol-  
9 lowing new subsection (d):

10 “(d) ACCESS TO INSTITUTIONS OF HIGHER EDU-  
11 CATION.—(1) Each institution of higher education receiv-  
12 ing assistance under the Higher Education Act of 1965  
13 (20 U.S.C. 1001 et seq.)—

14 “(A) shall provide to military recruiters the  
15 same access to students at the institution as is pro-  
16 vided generally to prospective employers of those  
17 students; and

18 “(B) shall, upon a request made by military re-  
19 cruiters for military recruiting purposes, provide ac-  
20 cess to the names, addresses, and telephone listings  
21 of students at the institution, notwithstanding sec-  
22 tion 444(a)(5)(B) of the General Education Provi-  
23 sions Act (20 U.S.C. 1232g(a)(5)(B)).

24 “(2) An institution of higher education may not re-  
25 lease a student’s name, address, and telephone listing  
26 under paragraph (1)(B) without the prior written consent

1 of the student or the parent of the student (in the case  
 2 of a student under the age of 18) if the student, or a par-  
 3 ent of the student, as appropriate, has submitted a request  
 4 to the institution of higher education that the student's  
 5 information not be released for a purpose covered by that  
 6 subparagraph without prior written consent. Each institu-  
 7 tion of higher education shall notify students and parents  
 8 of the rights provided under the preceding sentence.

9 “(3) In this subsection, the term ‘institution of higher  
 10 education’ has the meaning given the term in section 101  
 11 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

12 (b) NOTIFICATION.—The Secretary of Education  
 13 shall provide to institutions of higher education notice of  
 14 the provisions of subsection (d) of section 503 of title 10,  
 15 United States Code, as amended by subsection (a) of this  
 16 section. Such notice shall be provided not later than 120  
 17 days after the date of the enactment of this Act, and shall  
 18 be provided in consultation with the Secretary of Defense.

## 19 **Subtitle F—Other Matters**

### 20 **SEC. 551. BIENNIAL SURVEYS ON RACIAL, ETHNIC, AND** 21 **GENDER ISSUES.**

22 (a) DIVISION OF ANNUAL SURVEY INTO TWO BIEN-  
 23 NIAL SURVEYS.—Section 481 of title 10, United States  
 24 Code, is amended to read as follows:

1   **“§ 481. Racial, ethnic, and gender issues: biennial**  
2                   **surveys**

3           “(a) IN GENERAL.—The Secretary of Defense shall  
4 carry out two separate biennial surveys in accordance with  
5 this section to identify and assess racial, ethnic, and gen-  
6 der issues and discrimination among members of the  
7 armed forces serving on active duty and the extent (if any)  
8 of activity among such members that may be seen as so-  
9 called ‘hate group’ activity.

10          “(b) BIENNIAL SURVEY ON RACIAL AND ETHNIC  
11 ISSUES.—One of the surveys conducted every two years  
12 under this section shall solicit information on racial and  
13 ethnic issues and the climate in the armed forces for form-  
14 ing professional relationships among members of the  
15 armed forces of the various racial and ethnic groups. The  
16 information solicited shall include the following:

17           “(1) Indicators of positive and negative trends  
18 for professional and personal relationships among  
19 members of all racial and ethnic groups.

20           “(2) The effectiveness of Department of De-  
21 fense policies designed to improve relationships  
22 among all racial and ethnic groups.

23           “(3) The effectiveness of current processes for  
24 complaints on and investigations into racial and eth-  
25 nic discrimination.

1       “(c) BIENNIAL SURVEY ON GENDER ISSUES.—One  
2 of the surveys conducted every two years under this sec-  
3 tion shall solicit information on gender issues, including  
4 issues relating to gender-based harassment and discrimi-  
5 nation, and the climate in the armed forces for forming  
6 professional relationships between male and female mem-  
7 bers of the armed forces. The information solicited shall  
8 include the following:

9           “(1) Indicators of positive and negative trends  
10 for professional and personal relationships between  
11 male and female members of the armed forces.

12           “(2) The effectiveness of Department of De-  
13 fense policies designed to improve professional rela-  
14 tionships between male and female members of the  
15 armed forces.

16           “(3) The effectiveness of current processes for  
17 complaints on and investigations into gender-based  
18 discrimination.

19       “(d) SURVEYS TO ALTERNATE EVERY YEAR.—The  
20 biennial survey under subsection (b) shall be conducted  
21 in odd-numbered years. The biennial survey under sub-  
22 section (c) shall be conducted in even-numbered years.

23       “(e) IMPLEMENTING ENTITY.—The Secretary shall  
24 carry out the biennial surveys through entities in the De-  
25 partment of Defense as follows:

1           “(1) The biennial review under subsection (b),  
 2           through the Armed Forces Survey on Racial and  
 3           Ethnic Issues.

4           “(2) The biennial review under subsection (c),  
 5           through the Armed Forces Survey on Gender Issues.

6           “(f) REPORTS TO CONGRESS.—Upon the completion  
 7           of a biennial survey under this section, the Secretary shall  
 8           submit to Congress a report containing the results of the  
 9           survey.

10          “(g) INAPPLICABILITY TO COAST GUARD.—The re-  
 11          quirements for surveys under this section do not apply to  
 12          the Coast Guard.”.

13          (b) CLERICAL AMENDMENT.—The item relating to  
 14          such section in the table of sections at the beginning of  
 15          chapter 23 of such title is amended to read as follows:

          “481. Racial, ethnic, and gender issues: biennial surveys.”.

16       **SEC. 552. LEAVE REQUIRED TO BE TAKEN PENDING RE-**  
 17                               **VIEW OF A RECOMMENDATION FOR RE-**  
 18                               **MOVAL BY A BOARD OF INQUIRY.**

19          (a) REQUIREMENT.—Section 1182(c) of title 10,  
 20          United States Code, is amended—

21               (1) by inserting “(1)” after “(c)”; and

22               (2) by adding at the end the following new  
 23          paragraph:

24          “(2) Under regulations prescribed by the Secretary  
 25          concerned, an officer referred to in paragraph (1) may be



1 required to take leave pending the completion of the action  
 2 under this chapter in the case of that officer. The officer  
 3 may be required to begin such leave at any time following  
 4 the officer's receipt of the report of the board of inquiry,  
 5 including the board's recommendation for removal from  
 6 active duty, and the expiration of any period allowed for  
 7 submission by the officer of a rebuttal to that report. The  
 8 leave may be continued until the date on which action by  
 9 the Secretary concerned under this chapter is completed  
 10 in the case of the officer or may be terminated at any  
 11 earlier time."

12 (b) PAYMENT FOR MANDATORY EXCESS LEAVE  
 13 UPON DISAPPROVAL OF CERTAIN INVOLUNTARY SEPARA-  
 14 TION RECOMMENDATIONS.—Chapter 40 of such title is  
 15 amended by inserting after section 707 the following new  
 16 section:

17 **"§ 707a. Payment upon disapproval of certain board**  
 18 **of inquiry recommendations for excess**  
 19 **leave required to be taken**

20 "(a) An officer—

21 "(1) who is required to take leave under section  
 22 1182(c)(2) of this title, any period of which is  
 23 charged as excess leave under section 706(a) of this  
 24 title, and

1           “(2) whose recommendation for removal from  
2           active duty in a report of a board of inquiry is not  
3           approved by the Secretary concerned under section  
4           1184 of this title,  
5           shall be paid, as provided in subsection (b), for the period  
6           of leave charged as excess leave.

7           “(b)(1) An officer entitled to be paid under this sec-  
8           tion shall be deemed, for purposes of this section, to have  
9           accrued pay and allowances for each day of leave required  
10          to be taken under section 1182(c)(2) of this title that is  
11          charged as excess leave (except any day of accrued leave  
12          for which the officer has been paid under section  
13          706(b)(1) of this title and which has been charged as ex-  
14          cess leave).

15          “(2) The officer shall be paid the amount of pay and  
16          allowances that is deemed to have accrued to the officer  
17          under paragraph (1), reduced by the total amount of his  
18          income from wages, salaries, tips, other personal service  
19          income, unemployment compensation, and public assist-  
20          ance benefits from any Government agency during the pe-  
21          riod the officer is deemed to have accrued pay and allow-  
22          ances. Except as provided in paragraph (3), such payment  
23          shall be made within 60 days after the date on which the  
24          Secretary concerned decides not to remove the officer from  
25          active duty.

1       “(3) If an officer is entitled to be paid under this  
 2 section, but fails to provide sufficient information in a  
 3 timely manner regarding the officer’s income when such  
 4 information is requested under regulations prescribed  
 5 under subsection (c), the period of time prescribed in para-  
 6 graph (2) shall be extended until 30 days after the date  
 7 on which the member provides the information requested.

8       “(c) This section shall be administered under uniform  
 9 regulations prescribed by the Secretaries concerned. The  
 10 regulations may provide for the method of determining an  
 11 officer’s income during any period the officer is deemed  
 12 to have accrued pay and allowances, including a require-  
 13 ment that the officer provide income tax returns and other  
 14 documentation to verify the amount of the officer’s in-  
 15 come.”.

16       (c) CONFORMING AMENDMENTS.—(1) Section 706 of  
 17 such title is amended by inserting “or 1182(c)(2)” after  
 18 “section 876a” in subsections (a), (b), and (c).

19       (2) The heading for such section is amended to read  
 20 as follows:

21       **“§ 706. Administration of required leave”.**

22       (d) CLERICAL AMENDMENTS.—The table of sections  
 23 at the beginning of chapter 40 of title 10, United States  
 24 Code, is amended—

1 (1) by striking the item relating to section 706  
 2 and inserting the following:

“706. Administration of required leave.”;

3 and

4 (2) by inserting after the item relating to sec-  
 5 tion 707 the following new item:

“707a. Payment upon disapproval of certain board of inquiry recommendations  
 for excess leave required to be taken.”.

6 **SEC. 553. STIPEND FOR PARTICIPATION IN FUNERAL HON-**  
 7 **ORS DETAILS.**

8 Section 1491(d) of title 10, United States Code, is  
 9 amended—

10 (1) by striking paragraph (1) and inserting the  
 11 following:

12 “(A) For a participant in the funeral honors  
 13 detail who is a member or former member of the  
 14 armed forces in a retired status or is not a member  
 15 of the armed forces (other than a former member in  
 16 a retired status) and not an employee of the United  
 17 States, either—

18 “(i) transportation; or

19 “(ii) a daily stipend prescribed annually by  
 20 the Secretary of Defense at a single rate that  
 21 is designed to defray the costs for transpor-  
 22 tation and other expenses incurred by the par-

1 participant in connection with participation in the  
 2 funeral honors detail.”;

3 (2) by inserting “(1)” after “(d) SUPPORT.—”;

4 (3) by redesignating paragraph (2) as subpara-  
 5 graph (B);

6 (4) in subparagraph (B), as so redesignated, by  
 7 inserting “members of the armed forces in a retired  
 8 status and” after “training for”; and

9 (5) by adding at the end the following:

10 “(2) A stipend paid under paragraph (1)(A) to a  
 11 member or former member of the armed forces in a retired  
 12 status shall be in addition to any other compensation to  
 13 which the retired member may be entitled.”.

## 14 **TITLE VI—COMPENSATION AND** 15 **OTHER PERSONNEL BENEFITS**

### 16 **Subtitle A—Pay and Allowances**

#### 17 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.**

18 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The  
 19 adjustment to become effective during fiscal year 2003 re-  
 20 quired by section 1009 of title 37, United States Code,  
 21 in the rates of monthly basic pay authorized members of  
 22 the uniformed services shall not be made.

23 (b) INCREASE IN BASIC PAY.—Effective on January  
 24 1, 2003, the rates of monthly basic pay for members of

- 1 the uniformed services within each pay grade are as fol-
- 2 lows:

### COMMISSIONED OFFICERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	7,474.50	7,719.30	7,881.60	7,927.20	8,129.40
O-7 ...	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90
O-6 ...	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60
O-5 ...	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80
O-4 ...	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00
O-3 <sup>3</sup>	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50
O-2 <sup>3</sup>	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20
O-1 <sup>3</sup>	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	8,468.70	8,547.30	8,868.90	8,961.30	9,238.20
O-7 ...	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70
O-6 ...	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30
O-5 ...	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90
O-4 ...	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10
O-3 <sup>3</sup>	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10
O-2 <sup>3</sup>	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 <sup>3</sup>	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	\$12,077.70	\$12,137.10	\$12,389.40	\$12,829.20
O-9 ...	0.00	10,563.60	10,715.70	10,935.60	11,319.60
O-8 ...	9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O-7 ...	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O-6 ...	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O-5 ...	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O-4 ...	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O-3 <sup>3</sup>	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O-2 <sup>3</sup>	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 <sup>3</sup>	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	3,883.50	4,069.50
O-2E	0.00	0.00	0.00	3,410.70	3,481.20
O-1E	0.00	0.00	0.00	2,746.80	2,933.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	4,273.50	4,405.80	4,623.30	4,806.30	4,911.00
O-2E	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10
O-1E	3,042.00	3,152.70	3,261.60	3,410.70	3,410.70
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	5,054.40	5,054.40	5,054.40	5,054.40	5,054.40
O-2E	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O-1E	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

**WARRANT OFFICERS <sup>1</sup>**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,008.10	3,236.10	3,329.10	3,420.60	3,578.10
W-3 ..	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00
W-2 ..	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30
W-1 ..	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,733.50	3,891.00	4,044.60	4,203.60	4,356.00
W-3 ..	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60
W-2 ..	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90
W-1 ..	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	5,169.30	5,346.60	5,524.50	5,703.30
W-4 ..	4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W-3 ..	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W-2 ..	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W-1 ..	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

**ENLISTED MEMBERS <sup>1</sup>**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	2,068.50	2,257.80	2,343.90	2,428.20	2,516.40
E-6 ...	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10
E-5 ...	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00
E-4 ...	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00
E-3 ...	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80

ENLISTED MEMBERS<sup>1</sup>—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-2 ...	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 <sup>3</sup>	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup>	\$0.00	\$3,564.30	\$3,645.00	\$3,747.00	\$3,867.00
E-8 ...	2,975.40	3,061.20	3,141.30	3,237.60	3,342.00
E-7 ...	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30
E-6 ...	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10
E-5 ...	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30
E-4 ...	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 ...	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 ...	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 <sup>3</sup>	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup>	\$3,987.30	\$4,180.80	\$4,344.30	\$4,506.30	\$4,757.40
E-8 ...	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E-7 ...	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E-6 ...	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E-5 ...	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E-4 ...	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 ...	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 ...	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 <sup>3</sup>	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup> Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, the rate of basic pay for this grade is \$5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup> In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,064.70.

1 **SEC. 602. RATE OF BASIC ALLOWANCE FOR SUBSISTENCE**2 **FOR ENLISTED PERSONNEL OCCUPYING SIN-**3 **GLE GOVERNMENT QUARTERS WITHOUT**4 **ADEQUATE AVAILABILITY OF MEALS.**5 (a) **AUTHORITY TO PAY INCREASED RATE.**—Section

6 402(d) of title 37, United States Code, is amended to read

7 as follows:

8 “(d) **SPECIAL RATE FOR ENLISTED MEMBERS OCCU-**9 **PYING SINGLE QUARTERS WITHOUT ADEQUATE AVAIL-**10 **ABILITY OF MEALS.**—The Secretary of Defense, and the



1 Secretary of Transportation with respect to the Coast  
 2 Guard when it is not operating as a service in the Navy,  
 3 may pay an enlisted member the basic allowance for sub-  
 4 sistence under this section at a monthly rate that is twice  
 5 the amount in effect under subsection (b)(2) while—

6           “(1) the member is assigned to single Govern-  
 7           ment quarters which have no adequate food storage  
 8           or preparation facility in the quarters; and

9           “(2) there is no Government messing facility  
 10          serving those quarters that is capable of making  
 11          meals available to the occupants of the quarters.”.

12          (b) EFFECTIVE DATE.—Subsection (a) and the  
 13 amendment made by such subsection shall take effect on  
 14 October 1, 2002.

15 **SEC. 603. BASIC ALLOWANCE FOR HOUSING IN CASES OF**  
 16 **LOW-COST OR NO-COST MOVES.**

17          Section 403 of title 37, United States Code, is  
 18 amended—

19           (1) by transferring paragraph (7) of subsection

20           (b) to the end of the section; and

21           (2) in such paragraph—

22                   (A) by striking “(7)” and all that follows  
 23                   through “circumstances of which make it nec-  
 24                   essary that the member be” and inserting “(o)

25           TREATMENT OF LOW-COST AND NO-COST

1           MOVES AS NOT BEING REASSIGNMENTS.—In  
 2           the case of a member who is assigned to duty  
 3           at a location or under circumstances that make  
 4           it necessary for the member to be”; and

5                   (B) by inserting “for the purposes of this  
 6           section” after “may be treated”.

7           **Subtitle B—Bonuses and Special**  
 8                   **and Incentive Pays**

9   **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
 10                   **SPECIAL PAY AUTHORITIES FOR RESERVE**  
 11                   **FORCES.**

12           (a) SELECTED RESERVE REENLISTMENT BONUS.—  
 13   Section 308b(f) of title 37, United States Code, is amend-  
 14   ed by striking “December 31, 2002” and inserting “De-  
 15   cember 31, 2003”.

16           (b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
 17   tion 308c(e) of such title is amended by striking “Decem-  
 18   ber 31, 2002” and inserting “December 31, 2003”.

19           (c) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
 20   SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
 21   308d(c) of such title is amended by striking “December  
 22   31, 2002” and inserting “December 31, 2003”.

23           (d) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
 24   tion 308e(e) of such title is amended by striking “Decem-  
 25   ber 31, 2002” and inserting “December 31, 2003”.

1 (e) READY RESERVE ENLISTMENT AND REENLIST-  
 2 MENT BONUS.—Section 308h(g) of such title is amended  
 3 by striking “December 31, 2002” and inserting “Decem-  
 4 ber 31, 2003”.

5 (f) PRIOR SERVICE ENLISTMENT BONUS.—Section  
 6 308i(f) of such title is amended by striking “December  
 7 31, 2002” and inserting “December 31, 2003”.

8 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
 9 **SPECIAL PAY AUTHORITIES FOR CERTAIN**  
 10 **HEALTH CARE PROFESSIONALS.**

11 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
 12 GRAM.—Section 2130a(a)(1) of title 10, United States  
 13 Code, is amended by striking “December 31, 2002” and  
 14 inserting “December 31, 2003”.

15 (b) REPAYMENT OF EDUCATION LOANS FOR CER-  
 16 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
 17 LECTED RESERVE.—Section 16302(d) of such title is  
 18 amended by striking “January 1, 2003” and inserting  
 19 “January 1, 2004”.

20 (c) ACCESSION BONUS FOR REGISTERED NURSES.—  
 21 Section 302d(a)(1) of title 37, United States Code, is  
 22 amended by striking “December 31, 2002” and inserting  
 23 “December 31, 2003”.

24 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
 25 THETISTS.—Section 302e(a)(1) of such title is amended

1 by striking “December 31, 2002” and inserting “Decem-  
2 ber 31, 2003”.

3 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
4 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
5 CIALTIES.—Section 302g(f) of such title is amended by  
6 striking “December 31, 2002” and inserting “December  
7 31, 2003”.

8 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
9 Section 302h(a)(1) of such title is amended by striking  
10 “December 31, 2002” and inserting “December 31,  
11 2003”.

12 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
13 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
14 **CERS.**

15 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
16 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
17 312(e) of title 37, United States Code, is amended by  
18 striking “December 31, 2002” and inserting “December  
19 31, 2003”.

20 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
21 312b(c) of such title is amended by striking “December  
22 31, 2002” and inserting “December 31, 2003”.

23 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
24 BONUS.—Section 312c(d) of such title is amended by

1 striking “December 31, 2002” and inserting “December  
2 31, 2003”.

3 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
4 **SPECIAL PAY AUTHORITIES.**

5 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
6 tion 301b(a) of title 37, United States Code, is amended  
7 by striking “December 31, 2002” and inserting “Decem-  
8 ber 31, 2003”.

9 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
10 BERS.—Section 308(g) of such title is amended by strik-  
11 ing “December 31, 2002” and inserting “December 31,  
12 2003”.

13 (c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
14 Section 309(e) of such title is amended by striking “De-  
15 cember 31, 2002” and inserting “December 31, 2003”.

16 (d) RETENTION BONUS FOR MEMBERS WITH CRIT-  
17 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
18 amended by striking “December 31, 2002” and inserting  
19 “December 31, 2003”.

20 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
21 ICAL SKILLS.—Section 324(g) of such title is amended by  
22 striking “December 31, 2002” and inserting “December  
23 31, 2003”.

1 **SEC. 615. INCREASED MAXIMUM AMOUNT PAYABLE AS**  
 2 **MULTIYEAR RETENTION BONUS FOR MED-**  
 3 **ICAL OFFICERS OF THE ARMED FORCES.**

4 Section 301d(a)(2) of title 37, United States Code,  
 5 is amended by striking “\$14,000” and inserting  
 6 “\$25,000”.

7 **SEC. 616. INCREASED MAXIMUM AMOUNT PAYABLE AS IN-**  
 8 **CENTIVE SPECIAL PAY FOR MEDICAL OFFI-**  
 9 **CERS OF THE ARMED FORCES.**

10 Section 302(b)(1) of title 37, United States Code, is  
 11 amended—

12 (1) by striking “fiscal year 1992, and” in the  
 13 second sentence and inserting “fiscal year 1992,”;  
 14 and

15 (2) by inserting before the period at the end of  
 16 such sentence the following: “and before fiscal year  
 17 2003, and \$50,000 for any twelve-month period be-  
 18 ginning after fiscal year 2002”.

19 **SEC. 617. ASSIGNMENT INCENTIVE PAY.**

20 (a) **AUTHORITY.**—(1) Chapter 5 of title 37, United  
 21 States Code, is amended by inserting after section 305a  
 22 the following new section:

23 **“§ 305b. Special pay: assignment incentive pay**

24 **“(a) AUTHORITY.**—The Secretary concerned, with  
 25 the concurrence of the Secretary of Defense, may pay  
 26 monthly incentive pay under this section to a member of

1 a uniformed service for a period that the member performs  
2 service, while entitled to basic pay, in an assignment that  
3 is designated by the Secretary concerned.

4 “(b) MAXIMUM RATE.—The maximum monthly rate  
5 of incentive pay payable to a member under this section  
6 is \$1,500.

7 “(c) RELATIONSHIP TO OTHER PAY AND ALLOW-  
8 ANCES.—Incentive pay paid to a member under this sec-  
9 tion is in addition to any other pay and allowances to  
10 which the member is entitled.

11 “(d) STATUS NOT AFFECTED BY TEMPORARY DUTY  
12 OR LEAVE.—The service of a member in an assignment  
13 referred to in subsection (a) shall not be considered dis-  
14 continued during any period that the member is not per-  
15 forming service in such assignment by reason of tem-  
16 porary duty performed by the member pursuant to orders  
17 or absence of the member for authorized leave.

18 “(e) TERMINATION OF AUTHORITY.—No assignment  
19 incentive pay may be paid under this section for months  
20 beginning more than three years after the date of the en-  
21 actment of the National Defense Authorization Act for  
22 Fiscal Year 2003.”.

23 (2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 305a the following new item:

“305b. Special pay: assignment incentive pay.”.

1 (b) ANNUAL REPORT.—Not later than February 28  
 2 of each of 2004 and 2005, the Secretary of Defense shall  
 3 submit to the Committees on Armed Services of the Sen-  
 4 ate and the House of Representatives a report on the ad-  
 5 ministration of the authority under section 305b of title  
 6 37, United States Code, as added by subsection (a). The  
 7 report shall include an assessment of the utility of that  
 8 authority.

9 **SEC. 618. INCREASED MAXIMUM AMOUNTS FOR PRIOR**  
 10 **SERVICE ENLISTMENT BONUS.**

11 Section 308i(b)(1) of title 37, United States Code,  
 12 is amended—

13 (1) in subparagraph (A), by striking “\$5,000”  
 14 and inserting “\$8,000”;

15 (2) in subparagraph (B), by striking “\$2,500”  
 16 and inserting “\$4,000”; and

17 (3) in subparagraph (C), by striking “\$2,000”  
 18 and inserting “\$3,500”.

19 **Subtitle C—Travel and**  
 20 **Transportation Allowances**

21 **SEC. 631. DEFERRAL OF TRAVEL IN CONNECTION WITH**  
 22 **LEAVE BETWEEN CONSECUTIVE OVERSEAS**  
 23 **TOURS.**

24 (a) DATE TO WHICH TRAVEL MAY BE DEFERRED.—  
 25 Section 411b(a)(2) of title 37, United States Code, is



1 amended by striking “not more than one year” in the first  
 2 sentence and all that follows through “operation ends.”  
 3 in the second sentence and inserting the following: “the  
 4 date on which the member departs the duty station in ter-  
 5 mination of the consecutive tour of duty at that duty sta-  
 6 tion or reports to another duty station under the order  
 7 involved, as the case may be.”.

8 (b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1)  
 9 The amendment made by subsection (a) shall take effect  
 10 on October 1, 2002.

11 (2) Section 411b(a) of title 37, United States Code,  
 12 as in effect on September 30, 2002, shall continue to apply  
 13 with respect to travel described in subsection (a)(2) of  
 14 such title (as in effect on such date) that commences be-  
 15 fore October 1, 2002.

16 **SEC. 632. TRANSPORTATION OF MOTOR VEHICLES FOR**  
 17 **MEMBERS REPORTED MISSING.**

18 (a) AUTHORITY TO SHIP TWO MOTOR VEHICLES.—  
 19 Subsection (a) of section 554 of title 37, United States  
 20 Code, is amended by striking “one privately owned motor  
 21 vehicle” both places it appears and inserting “two pri-  
 22 vately owned motor vehicles”.

23 (b) PAYMENTS FOR LATE DELIVERY.—Subsection (i)  
 24 of such section is amended by adding at the end the fol-  
 25 lowing: “In a case in which two motor vehicles of a mem-

ber (or the dependent or dependents of a member) are transported at the expense of the United States, no reimbursement is payable under this subsection unless both motor vehicles do not arrive at the authorized destination of the vehicles by the designated delivery date.”.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to members whose eligibility for benefits under section 554 of title 37, United States Code, commences on or after the date of the enactment of this Act.

**SEC. 633. DESTINATIONS AUTHORIZED FOR GOVERNMENT  
PAID TRANSPORTATION OF ENLISTED PERSONNEL FOR REST AND RECUPERATION  
UPON EXTENDING DUTY AT DESIGNATED  
OVERSEAS LOCATIONS.**

Section 705(b)(2) of title 10, United States Code, is amended by inserting before the period at the end the following: “, or to an alternative destination at a cost not to exceed the cost of the round-trip transportation from the location of the extended tour of duty to such nearest port and return”.

1 **SEC. 634. VEHICLE STORAGE IN LIEU OF TRANSPORTATION**  
2 **TO CERTAIN AREAS OF THE UNITED STATES**  
3 **OUTSIDE CONTINENTAL UNITED STATES.**

4 Section 2634(b) of title 10, United States Code, is  
5 amended:

6 (1) by redesignating paragraphs (2), (3), and  
7 (4) as paragraphs (3), (4), and (5), respectively; and  
8 (2) by inserting after paragraph (1) the fol-  
9 lowing new paragraph (2):

10 “(2) In lieu of transportation authorized by this sec-  
11 tion, if a member is ordered to make a change of perma-  
12 nent station to Alaska, Hawaii, Puerto Rico, the Northern  
13 Mariana Islands, Guam, or any territory or possession of  
14 the United States and laws, regulations, or other restric-  
15 tions preclude transportation of a motor vehicle described  
16 in subsection (a) to the new station, the member may elect  
17 to have the vehicle stored at the expense of the United  
18 States at a location approved by the Secretary con-  
19 cerned.”.

1           **Subtitle D—Retirement and**  
 2           **Survivor Benefit Matters**

3   **SEC. 641. PHASED-IN AUTHORITY FOR CONCURRENT RE-**  
 4           **CEIPT OF MILITARY RETIRED PAY AND VET-**  
 5           **ERANS’ DISABILITY COMPENSATION FOR**  
 6           **CERTAIN SERVICE-CONNECTED DISABLED**  
 7           **VETERANS.**

8           (a) IN GENERAL.—(1) Section 1414 of title 10,  
 9   United States Code, is amended to read as follows:

10   **“§ 1414. Members eligible for retired pay who have**  
 11           **service-connected disabilities: payment of**  
 12           **retired pay and veterans’ disability com-**  
 13           **ensation for disabilities rated at 60 per-**  
 14           **cent or higher**

15           “(a) PAYMENT OF BOTH RETIRED PAY AND COM-  
 16   PENSATION.—A member or former member of the uni-  
 17   formed services described in subsection (b) is entitled to  
 18   be paid retired pay, up to the amount determined for such  
 19   member or former member under subsection (d), in addi-  
 20   tion to any entitlement to veterans’ disability compensa-  
 21   tion, without regard to sections 5304 and 5305 of title  
 22   38.

23           “(b) COVERED MEMBERS.—A member or former  
 24   member described in this subsection is any member or  
 25   former member who is entitled to retired pay (other than

1 as specified in subsection (c)) and who is also entitled to  
2 veterans' disability compensation for a service-connected  
3 disability rated at 60 percent or higher, as determined  
4 under laws administered by the Secretary of Veterans Af-  
5 fairs.

6 “(c) EXCEPTION.—Subsection (a) does not apply to  
7 a member retired under chapter 61 of this title with less  
8 than 20 years of service otherwise creditable under section  
9 1405 of this title at the time of the member's retirement.

10 “(d) MAXIMUM AMOUNT OF RETIRED PAY.—The  
11 maximum amount of retired pay to which a member or  
12 former member is entitled under subsection (a) is as fol-  
13 lows:

14 “(1) For months beginning with January 2003  
15 and ending with December 2003, the amount equal  
16 to 30 percent of the amount of retired pay to which  
17 the member or former member would be entitled if  
18 the member or former member were paid retired pay  
19 without regard to sections 5304 and 5305 of title 38  
20 for such months.

21 “(2) For months beginning with January 2004  
22 and ending with December 2004, the amount equal  
23 to 45 percent of the amount of retired pay to which  
24 the member or former member would be entitled if  
25 the member or former member were paid retired pay

1 without regard to sections 5304 and 5305 of title 38  
2 for such months.

3 “(3) For months beginning with January 2005  
4 and ending with December 2005, the amount equal  
5 to 60 percent of the amount of retired pay to which  
6 the member or former member would be entitled if  
7 the member or former member were paid retired pay  
8 without regard to sections 5304 and 5305 of title 38  
9 for such months.

10 “(4) For months beginning with January 2006  
11 and ending with December 2006, the amount equal  
12 to 80 percent of the amount of retired pay to which  
13 the member or former member would be entitled if  
14 the member or former member were paid retired pay  
15 without regard to sections 5304 and 5305 of title 38  
16 for such months.

17 “(5) For months beginning after December  
18 2006, the amount equal to the full amount of retired  
19 pay to which the member or former member would  
20 be entitled if the member or former member were  
21 paid retired pay without regard to sections 5304 and  
22 5305 of title 38 for such months.

23 “(e) DEFINITIONS.—In this section:

1           “(1) The term ‘retired pay’ includes retainer  
2           pay, emergency officers’ retirement pay, and naval  
3           pension.

4           “(2) The term ‘service-connected’ has the  
5           meaning given that term in section 101(16) of title  
6           38.

7           “(3) The term ‘veterans’ disability compensa-  
8           tion’ has the meaning given the term ‘compensation’  
9           in section 101(12) of title 38.”.

10          (2) The table of sections at the beginning of chapter  
11   71 of such title is amended by striking the item relating  
12   to section 1414 and inserting the following new item:

“1414. Members eligible for retired pay who have service-connected disabilities:  
        payment of retired pay and veterans’ disability compensation  
        for disabilities rated at 60 percent or higher.”.

13          (b) COORDINATION WITH SPECIAL COMPENSATION  
14   AUTHORITY.—Section 1413 of such title is amended—

15           (1) in subsection (a)—

16                   (A) by inserting “, for months in 2002,”  
17                   after “Secretary concerned shall”; and

18                   (B) by striking the last sentence; and

19           (2) in subsection (b), by striking “is the fol-  
20   lowing:” and all that follows and inserting “is—

21                   “(1) for any month in 2002 for which the re-  
22                   tiree has a qualifying service-connected disability  
23                   rated as total, \$300;

1           “(2) for any month in 2002 for which the re-  
 2       tiree has a qualifying service-connected disability  
 3       rated as 90 percent, \$200;

4           “(3) for any month in 2002 for which the re-  
 5       tiree has a qualifying service-connected disability  
 6       rated as 80 percent or 70 percent, \$100; or

7           “(4) for any month in 2002 for which the re-  
 8       tiree has a qualifying service-connected disability  
 9       rated as 60 percent, \$50.”.

10       (c) ADDITIONAL CONFORMING AMENDMENT.—Sub-  
 11       section (d) of section 641 of the National Defense Author-  
 12       ization Act for Fiscal Year 2002 (Public Law 107–107;  
 13       115 Stat. 1150; 10 U.S.C. 1414 note) is repealed.

14       **SEC. 642. INCREASED RETIRED PAY FOR ENLISTED RE-**  
 15                               **SERVES CREDITED WITH EXTRAORDINARY**  
 16                               **HEROISM.**

17       (a) AUTHORITY.—Section 12739 of title 10, United  
 18       States Code, is amended—

19               (1) by redesignating subsections (b) and (c) as  
 20       subsection (c) and (d), respectively;

21               (2) by inserting after subsection (a) the fol-  
 22       lowing new subsection (b):

23           “(b) If an enlisted member retired under section  
 24       12731 of this title has been credited by the Secretary con-  
 25       cerned with extraordinary heroism in the line of duty, the



1 member's retired pay shall be increased by 10 percent of  
2 the amount determined under subsection (a). The Sec-  
3 retary's determination as to extraordinary heroism is con-  
4 clusive for all purposes.”; and

5 (3) in subsection (c), as redesignated by para-  
6 graph (1), by striking “amount computed under sub-  
7 section (a),” and inserting “total amount of the  
8 monthly retired pay computed under subsections (a)  
9 and (b)”.

10 (b) EFFECTIVE DATE.—The amendments made by  
11 subsection (a) shall take effect on October 1, 2002, and  
12 shall apply with respect to retired pay for months begin-  
13 ning on or after that date.

14 **SEC. 643. EXPANDED SCOPE OF AUTHORITY TO WAIVE**  
15 **TIME LIMITATIONS ON CLAIMS FOR MILI-**  
16 **TARY PERSONNEL BENEFITS.**

17 (a) AUTHORITY.—Section 3702(e)(1) of title 31,  
18 United States Code, is amended by striking “a claim for  
19 pay, allowances, or payment for unused accrued leave  
20 under title 37 or a claim for retired pay under title 10”  
21 and inserting “a claim referred to in subsection  
22 (a)(1)(A)”.

23 (b) APPLICABILITY.—The amendment made by sub-  
24 section (a) shall apply with respect to claims presented  
25 to the Secretary of Defense under section 3702 of title

1 31, United States Code, on or after the date of the enact-  
 2 ment of this Act.

### 3 **Subtitle E—Other Matters**

#### 4 **SEC. 651. ADDITIONAL AUTHORITY TO PROVIDE ASSIST-** 5 **ANCE FOR FAMILIES OF MEMBERS OF THE** 6 **ARMED FORCES.**

7 (a) **AUTHORITY.**—(1) Subchapter I of chapter 88 of  
 8 title 10, United States Code, is amended by adding at the  
 9 end the following new section:

#### 10 **“§ 1788. Additional family assistance**

11 “(a) **AUTHORITY.**—The Secretary of Defense may  
 12 provide for the families of members of the armed forces  
 13 serving on active duty, in addition to any other assistance  
 14 available for such families, any assistance that the Sec-  
 15 retary considers appropriate to ensure that the children  
 16 of such members obtain needed child care, education, and  
 17 other youth services.

18 “(b) **PRIMARY PURPOSE OF ASSISTANCE.**—The as-  
 19 sistance authorized by this section should be directed pri-  
 20 marily toward providing needed family support, including  
 21 child care, education, and other youth services, for chil-  
 22 dren of members of the Armed Forces who are deployed,  
 23 assigned to duty, or ordered to active duty in connection  
 24 with a contingency operation.”.

1       (2) The table of sections at the beginning of such sub-  
 2 chapter is amended by adding at the end the following  
 3 new item:

“1788. Additional family assistance.”.

4       (b) **EFFECTIVE DATE.**—Section 1788 of title 10,  
 5 United States Code, as added by subsection (a), shall take  
 6 effect on October 1, 2002.

7 **SEC. 652. TIME LIMITATION FOR USE OF MONTGOMERY GI**  
 8 **BILL ENTITLEMENT BY MEMBERS OF THE SE-**  
 9 **LECTED RESERVE.**

10       (a) **EXTENSION OF LIMITATION PERIOD.**—Section  
 11 16133(a)(1) of title 10, United States Code, is amended  
 12 by striking “10-year” and inserting “14-year”.

13       (b) **EFFECTIVE DATE AND APPLICABILITY.**—The  
 14 amendment made by subsection (a) shall take effect on  
 15 October 1, 2002, and shall apply with respect to periods  
 16 of entitlement to educational assistance under chapter  
 17 1606 of title 10, United States Code, that begin on or  
 18 after October 1, 1992.

19 **SEC. 653. STATUS OF OBLIGATION TO REFUND EDU-**  
 20 **CATIONAL ASSISTANCE UPON FAILURE TO**  
 21 **PARTICIPATE SATISFACTORILY IN SELECTED**  
 22 **RESERVE.**

23       Section 16135 of title 10, United States Code, is  
 24 amended by adding at the end the following new sub-  
 25 section:

1       “(c)(1) An obligation to pay a refund to the United  
 2 States under subsection (a)(1)(B) in an amount deter-  
 3 mined under subsection (b) is, for all purposes, a debt  
 4 owed to the United States.

5       “(2) A discharge in bankruptcy under title 11 that  
 6 is entered for a person less than five years after the termi-  
 7 nation of the person’s enlistment or other service described  
 8 in subsection (a) does not discharge the person from a  
 9 debt arising under this section with respect to that enlist-  
 10 ment or other service.”.

11 **SEC. 654. PROHIBITION ON ACCEPTANCE OF HONORARIA**  
 12 **BY PERSONNEL AT CERTAIN DEPARTMENT**  
 13 **OF DEFENSE SCHOOLS.**

14       (a) **REPEAL OF EXEMPTION.**—Section 542 of the Na-  
 15 tional Defense Authorization Act for Fiscal Year 1993  
 16 (Public Law 102–484; 106 Stat. 2413; 10 U.S.C. prec.  
 17 2161 note) is repealed.

18       (b) **EFFECTIVE DATE AND APPLICABILITY.**—The  
 19 amendment made by subsection (a) shall take effect on  
 20 October 1, 2002, and shall apply with respect to appear-  
 21 ances made, speeches presented, and articles published on  
 22 or after that date.

1           **TITLE VII—HEALTH CARE**

2   **SEC. 701. ELIGIBILITY OF SURVIVING DEPENDENTS FOR**  
3                   **TRICARE DENTAL PROGRAM BENEFITS**  
4                   **AFTER DISCONTINUANCE OF FORMER EN-**  
5                   **ROLLMENT.**

6           Section 1076a(k)(2) of title 10, United States Code,  
7 is amended by striking “if the dependent is enrolled on  
8 the date of the death of the members in a dental benefits  
9 plan established under subsection (a)” and inserting “if,  
10 on the date of the death of the member, the dependent  
11 is enrolled in a dental benefits plan established under sub-  
12 section (a) or is not enrolled in such a plan by reason of  
13 a discontinuance of a former enrollment under subsection  
14 (f)”.

15   **SEC. 702. ADVANCE AUTHORIZATION FOR INPATIENT MEN-**  
16                   **TAL HEALTH SERVICES.**

17           Section 1079(i)(3) of title 10, United States Code,  
18 is amended—

19                   (1) by inserting “(A)” after “(3)”;

20                   (2) by striking “Except in the case of an emer-  
21                   gency,” and inserting “Except as provided in sub-  
22                   paragraphs (B) and (C),”; and

23                   (3) by adding at the end the following new sub-  
24                   paragraph:

1 “(B) Preadmission authorization for inpatient mental  
 2 health services is not required under subparagraph (A) in  
 3 the case of an emergency.

4 “(C) Preadmission authorization for inpatient mental  
 5 health services is not required under subparagraph (A) in  
 6 a case in which any benefits are payable for such services  
 7 under part A of title XVIII of the Social Security Act (42  
 8 U.S.C. 1395c et seq.). The Secretary shall require, how-  
 9 ever, advance authorization for the continued provision of  
 10 the inpatient mental health services after benefits cease  
 11 to be payable for such services under part A of such title  
 12 in such case.”.

13 **SEC. 703. CONTINUED TRICARE ELIGIBILITY OF DEPEND-**  
 14 **ENTS RESIDING AT REMOTE LOCATIONS**  
 15 **AFTER DEPARTURE OF SPONSORS FOR UN-**  
 16 **ACCOMPANIED ASSIGNMENTS.**

17 Section 1079(p) of title 10, United States Code, is  
 18 amended—

19 (1) in paragraph (1), by striking “dependents  
 20 referred to in subsection (a) of a member of the uni-  
 21 formed services referred to in section 1074(c)(3) of  
 22 this title who are residing with the member” and in-  
 23 serting “dependents described in paragraph (3)”;

24 (2) by redesignating paragraph (3) as para-  
 25 graph (4); and

1           (3) by inserting after paragraph (2), the fol-  
 2           lowing new paragraph (3):

3           “(3) This subsection applies with respect to a depend-  
 4           ent referred to in subsection (a) who—

5           “(A) is a dependent of a member of the uni-  
 6           formed services referred to in section 1074(c)(3) of  
 7           this title and is residing with the member; or

8           “(B) is a dependent of a member who, after  
 9           having served in a duty assignment described in sec-  
 10          tion 1074(c)(3) of this title, has relocated without  
 11          the dependent pursuant to orders for a permanent  
 12          change of duty station from a remote location de-  
 13          scribed in subparagraph (B)(ii) of such section  
 14          where the member and the dependent resided to-  
 15          gether while the member served in such assignment,  
 16          if the orders do not authorize dependents to accom-  
 17          pany the member to the new duty station at the ex-  
 18          pense of the United States and the dependent con-  
 19          tinues to reside at the same remote location.”.

20 **SEC. 704. APPROVAL OF MEDICARE PROVIDERS AS**  
 21 **TRICARE PROVIDERS.**

22          Section 1079 of title 10, United States Code, is  
 23          amended by adding at the end the following new sub-  
 24          section:

1       “(q) A physician or other health care practitioner who  
 2 is eligible to receive reimbursement for services provided  
 3 under the Medicare Program under title XVIII of the So-  
 4 cial Security Act (42 U.S.C. 1395 et seq.) shall be consid-  
 5 ered approved to provide medical care under this section  
 6 and section 1086 of this title.”.

7 **SEC. 705. CLAIMS INFORMATION.**

8       (a) CORRESPONDENCE TO MEDICARE CLAIMS INFOR-  
 9 MATION REQUIREMENTS.—Section 1095c of title 10,  
 10 United States Code, is amended by adding at the end the  
 11 following new subsection:

12       “(d) CORRESPONDENCE TO MEDICARE CLAIMS IN-  
 13 FORMATION REQUIREMENTS.—The Secretary of Defense,  
 14 in consultation with the other administering Secretaries,  
 15 shall limit the requirements for information in support of  
 16 claims for payment for health care items and services pro-  
 17 vided under the TRICARE program so that the informa-  
 18 tion required under the program is substantially the same  
 19 as the information that would be required for claims for  
 20 reimbursement for those items and services under title  
 21 XVIII of the Social Security Act (42 U.S.C. 1395 et  
 22 seq.).”.

23       (b) APPLICABILITY.—The Secretary of Defense, in  
 24 consultation with the other administering Secretaries re-  
 25 ferred to in section 1072(3) of title 10, United States



1 Code, shall apply the limitations required under subsection  
 2 (d) of section 1095c of such title (as added by subsection  
 3 (a)) with respect to contracts entered into under the  
 4 TRICARE program on or after October 1, 2002.

5 **SEC. 706. DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE**  
 6 **RETIREE HEALTH CARE FUND.**

7 (a) SOURCE OF FUNDS FOR MONTHLY ACCRUAL  
 8 PAYMENTS INTO THE FUND.—Section 1116(c) of title 10,  
 9 United States Code, is amended by striking “health care  
 10 programs” and inserting “pay of members”.

11 (b) MANDATORY PARTICIPATION OF OTHER UNI-  
 12 FORMED SERVICES.—Section 1111(c) of such title is  
 13 amended—

14 (1) in the first sentence, by striking “may enter  
 15 into an agreement with any other administering Sec-  
 16 retary” and inserting “shall enter into an agreement  
 17 with each other administering Secretary”; and

18 (2) in the second sentence, by striking “Any  
 19 such” and inserting “The”.

20 **SEC. 707. TECHNICAL CORRECTIONS RELATING TO TRANSI-**  
 21 **TIONAL HEALTH CARE FOR MEMBERS SEPA-**  
 22 **RATED FROM ACTIVE DUTY.**

23 (a) CONTINUED APPLICABILITY TO DEPENDENTS.—  
 24 Subsection (a)(1) of section 736 of the National Defense

1 Authorization Act for Fiscal Year 2002 (Public Law 107–  
2 107; 115 Stat. 1172) is amended to read as follows:

3 “(1) in paragraph (1), by striking ‘paragraph  
4 (2), a member’ and all that follows through ‘of the  
5 member),’ and inserting ‘paragraph (3), a member  
6 of the armed forces who is separated from active  
7 duty as described in paragraph (2) (and the depend-  
8 ents of the member)’;”.

9 (b) CLARIFICATION REGARDING THE COAST  
10 GUARD.—Subsection (b)(2) of such section is amended to  
11 read as follows:

12 “(2) in subsection (e)—

13 “(A) by striking the first sentence; and

14 “(B) by striking ‘the Coast Guard’ in the  
15 second sentence and inserting ‘the members of  
16 the Coast Guard and their dependents’.”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect as of December 28, 2001,  
19 and as if included in the National Defense Authorization  
20 Act for Fiscal Year 2002 as enacted.

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **Subtitle A—Major Defense**  
6 **Acquisition Programs**

7 **SEC. 801. BUY-TO-BUDGET ACQUISITION OF END ITEMS.**

8 (a) AUTHORITY.—(1) Chapter 131 of title 10, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new section:

11 **“§ 2228. Buy-to-budget acquisition: end items**

12 “(a) AUTHORITY TO ACQUIRE ADDITIONAL END  
13 ITEMS.—Using funds available to the Department of De-  
14 fense for the acquisition of an end item, the head of agen-  
15 cy making the acquisition may acquire a higher quantity  
16 of the end item than the quantity specified for the end  
17 item in a law providing for the funding of that acquisition  
18 if that head of an agency makes each of the following find-  
19 ings:

20 “(1) The agency has an established requirement  
21 for the end item that is expected to remain substan-  
22 tially unchanged throughout the period of the acqui-  
23 sition.

24 “(2) It is possible to acquire the higher quan-  
25 tity of the end item without additional funding be-

1       cause of production efficiencies or other cost reduc-  
2       tions.

3           “(3) The amount of the funds used for the ac-  
4       quisition of the higher quantity of the end item will  
5       not exceed the amount provided under that law for  
6       the acquisition of the end item.

7           “(4) The amount so provided is sufficient to en-  
8       sure that each unit of the end item acquired within  
9       the higher quantity is fully funded as a complete end  
10      item.

11       “(b) REGULATIONS.—The Secretary of Defense shall  
12      prescribe regulations for the administration of this section.  
13      The regulations shall include, at a minimum, the fol-  
14      lowing:

15           “(1) The level of approval within the Depart-  
16      ment of Defense that is required for a decision to  
17      acquire a higher quantity of an end item under sub-  
18      section (a).

19           “(2) Authority to exceed by up to 10 percent  
20      the quantity of an end item approved in a justifica-  
21      tion and approval of the use of procedures other  
22      than competitive procedures for the acquisition of  
23      the end item under section 2304 of this title, but  
24      only to the extent necessary to acquire a quantity of

1 the end item permitted in the exercise of authority  
2 under subsection (a).

3 “(c) NOTIFICATION OF CONGRESS.—The head of an  
4 agency is not required to notify Congress in advance re-  
5 garding a decision under the authority of this section to  
6 acquire a higher quantity of an end item than is specified  
7 in a law described in subsection (a), but shall notify the  
8 congressional defense committees of the decision not later  
9 than 30 days after the date of the decision.

10 “(d) WAIVER BY OTHER LAW.—A provision of law  
11 may not be construed as prohibiting the acquisition of a  
12 higher quantity of an end item under this section unless  
13 that provision of law—

14 “(1) specifically refers to this section; and

15 “(2) specifically states that the acquisition of  
16 the higher quantity of the end item is prohibited  
17 notwithstanding the authority provided in this sec-  
18 tion.

19 “(e) DEFINITIONS.—(1) For the purposes of this sec-  
20 tion, a quantity of an end item shall be considered speci-  
21 fied in a law if the quantity is specified either in a provi-  
22 sion of that law or in any related representation that is  
23 set forth separately in a table, chart, or explanatory text  
24 included in a joint explanatory statement or governing  
25 committee report accompanying the law.

1 “(2) In this section:

2 “(A) The term ‘congressional defense com-  
3 mittees’ means—

4 “(i) the Committee on Armed Services  
5 and the Committee on Appropriations of  
6 the Senate; and

7 “(ii) the Committee on Armed Serv-  
8 ices and the Committee on Appropriations  
9 of the House of Representatives.

10 “(B) The term ‘head of an agency’ means  
11 the Secretary of Defense, the Secretary of the  
12 Army, the Secretary of the Navy, and the Sec-  
13 retary of the Air Force.”.

14 (2) The table of sections at the beginning of such  
15 chapter is amended by adding at the end the following  
16 new item:

“2228. Buy-to-budget acquisition: end items.”.

17 (b) TIME FOR ISSUANCE OF FINAL REGULATIONS.—  
18 The Secretary of Defense shall issue the final regulations  
19 under section 2228(b) of title 10, United States Code (as  
20 added by subsection (a)), not later than 120 days after  
21 the date of the enactment of this Act.

22 **SEC. 802. REPORT TO CONGRESS ON INCREMENTAL ACQUI-**  
23 **SITION OF MAJOR SYSTEMS.**

24 (a) REPORT REQUIRED.—Not later than 120 days  
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense com-  
2 mittees a report on the approach that the Secretary plans  
3 to take to applying the requirements of chapter 144 of  
4 title 10, United States Code, sections 139, 181, 2366,  
5 2399, and 2400 of such title, Department of Defense Di-  
6 rective 5000.1, Department of Defense Instruction  
7 5000.2, and Chairman of the Joint Chiefs of Staff In-  
8 struction 3170.01B, and other provisions of law and regu-  
9 lations applicable to incremental acquisition programs.

10 (b) CONTENT OF REPORT.—The report shall, at a  
11 minimum, address the following matters:

12 (1) The manner in which the Secretary plans to  
13 establish and approve, for each increment of an in-  
14 cremental acquisition program—

15 (A) operational requirements; and

16 (B) cost and schedule goals.

17 (2) The manner in which the Secretary plans,  
18 for each increment of an incremental acquisition  
19 program—

20 (A) to meet requirements for operational  
21 testing and live fire testing;

22 (B) to monitor cost and schedule perform-  
23 ance; and

1 (C) to comply with laws requiring reports  
2 to Congress on results testing and on cost and  
3 schedule performance.

4 (3) The manner in which the Secretary plans to  
5 ensure that each increment of an incremental acqui-  
6 sition program is designed—

7 (A) to achieve interoperability within and  
8 among United States forces and United States  
9 coalition partners; and

10 (B) to optimize total system performance  
11 and minimize total ownership costs by giving  
12 appropriate consideration to—

13 (i) logistics planning;

14 (ii) manpower, personnel, and train-  
15 ing;

16 (iii) human, environmental, safety, oc-  
17 cupational health, accessibility, surviv-  
18 ability, operational continuity, and security  
19 factors;

20 (iv) protection of critical program in-  
21 formation; and

22 (v) spectrum management.

23 (c) DEFINITIONS.—In this section:

24 (1) The term “incremental acquisition pro-  
25 gram” means an acquisition program that is to be



1       conducted in discrete phases or blocks, with each  
2       phase or block consisting of the planned production  
3       and acquisition of one or more units of a major sys-  
4       tem.

5           (2) The term “increment” refers to one of the  
6       discrete phases or blocks of an incremental acquisi-  
7       tion program.

8           (3) The term “major system” has the meaning  
9       given such term in section 2302(5) of title 10,  
10      United States Code.

11 **SEC. 803. PILOT PROGRAM FOR SPIRAL DEVELOPMENT OF**  
12 **MAJOR SYSTEMS.**

13       (a) **AUTHORITY.**—The Secretary of Defense is au-  
14      thorized to conduct a pilot program for the spiral develop-  
15      ment of major systems and to designate research and de-  
16      velopment programs of the military departments and De-  
17      fense Agencies to participate in the pilot program.

18       (b) **DESIGNATION OF PARTICIPATING PROGRAMS.**—

19      (1) A research and development program for a major sys-  
20      tem of a military department or Defense Agency may be  
21      conducted as a spiral development program only if the  
22      Secretary of Defense approves a spiral development plan  
23      submitted by the Secretary of that military department  
24      or head of that Defense Agency, as the case may be, and

1 designates the program as a participant in the pilot pro-  
2 gram under this section.

3 (2) The Secretary of Defense shall submit a copy of  
4 each spiral development plan approved under this section  
5 to the congressional defense committees.

6 (c) SPIRAL DEVELOPMENT PLANS.—A spiral devel-  
7 opment plan for a participating program shall, at a min-  
8 imum, include the following matters:

9 (1) A rationale for dividing the program into  
10 separate spirals, together with a preliminary identi-  
11 fication of the spirals to be included.

12 (2) A program strategy, including overall cost,  
13 schedule, and performance goals for the total pro-  
14 gram.

15 (3) Specific cost, schedule, and performance pa-  
16 rameters, including measurable exit criteria, for the  
17 first spiral to be conducted.

18 (4) A testing plan to ensure that performance  
19 goals, parameters, and exit criteria are met.

20 (5) An appropriate limitation on the number of  
21 prototype units that may be produced under the pro-  
22 gram.

23 (6) Specific performance parameters, including  
24 measurable exit criteria, that must be met before the

1        program proceeds into production of units in excess  
2        of the limitation on the number of prototype units.

3        (d) GUIDANCE.—Not later than 120 days after the  
4        date of the enactment of this Act, the Secretary of Defense  
5        shall issue guidance for the implementation of the spiral  
6        development pilot program authorized by this section. The  
7        guidance shall, at a minimum, include the following mat-  
8        ters:

9            (1) A process for the development, review, and  
10        approval of each spiral development plan submitted  
11        by the Secretary of a military department or head  
12        of a Defense Agency.

13          (2) A process for establishing and approving  
14        specific cost, schedule, and performance parameters,  
15        including measurable exit criteria, for spirals to be  
16        conducted after the first spiral.

17          (3) Appropriate planning, testing, reporting,  
18        oversight, and other requirements to ensure that the  
19        spiral development program—

20            (A) satisfies realistic and clearly-defined  
21        performance standards, cost objectives, and  
22        schedule parameters (including measurable exit  
23        criteria for each spiral);

1 (B) achieve interoperability within and  
2 among United States forces and United States  
3 coalition partners; and

4 (C) optimize total system performance and  
5 minimize total ownership costs by giving appro-  
6 priate consideration to—

7 (i) logistics planning;

8 (ii) manpower, personnel, and train-  
9 ing;

10 (iii) human, environmental, safety, oc-  
11 cupational health, accessibility, surviv-  
12 ability, operational continuity, and security  
13 factors;

14 (iv) protection of critical program in-  
15 formation; and

16 (v) spectrum management.

17 (4) A process for independent validation of the  
18 satisfaction of exit criteria and other relevant re-  
19 quirements.

20 (5) A process for operational testing of fieldable  
21 prototypes to be conducted before or in conjunction  
22 with the fielding of the prototypes.

23 (e) REPORTING REQUIREMENT.—The Secretary shall  
24 submit to Congress at the end of each quarter of a fiscal  
25 year a status report on each research and development

1 program that is a participant in the pilot program. The  
2 report shall contain information on unit costs that is simi-  
3 lar to the information on unit costs under major defense  
4 acquisition programs that is required to be provided to  
5 Congress under chapter 144 of title 10, United States  
6 Code, except that the information on unit costs shall ad-  
7 dress projected prototype costs instead of production  
8 costs.

9 (f) APPLICABILITY OF EXISTING LAW.—Nothing in  
10 this section shall be construed to exempt any program of  
11 the Department of Defense from the application of any  
12 provision of chapter 144 of title 10, United States Code,  
13 section 139, 181, 2366, 2399, or 2400 of such title, or  
14 any requirement under Department of Defense Directive  
15 5000.1, Department of Defense Instruction 5000.2, or  
16 Chairman of the Joint Chiefs of Staff Instruction  
17 3170.01B in accordance with the terms of such provision  
18 or requirement.

19 (g) TERMINATION OF PROGRAM PARTICIPATION.—  
20 The conduct of a participating program as a spiral devel-  
21 opment program under the pilot program shall terminate  
22 when the decision is made for the participating program  
23 to proceed into the production of units in excess of the  
24 number of prototype units permitted under the limitation

1 provided in spiral development plan for the program pur-  
2 suant to subsection (c)(5).

3 (h) TERMINATION OF PILOT PROGRAM.—(1) The au-  
4 thority to conduct a pilot program under this section shall  
5 terminate three years after the date of the enactment of  
6 this Act.

7 (2) The termination of the pilot program shall not  
8 terminate the authority of the Secretary of a military de-  
9 partment or head of a Defense Agency to continue to con-  
10 duct, as a spiral development program, any research and  
11 development program that was designated to participate  
12 in the pilot program before the date on which the pilot  
13 program terminates. In the continued conduct of such a  
14 research and development program as a spiral develop-  
15 ment program on and after such date, the spiral develop-  
16 ment plan approved for the program, the guidance issued  
17 under subsection (d), and subsections (e), (f), and (g) shall  
18 continue to apply.

19 (i) DEFINITIONS.—In this section:

20 (1) The term “spiral development program”  
21 means a research and development program that—

22 (A) is conducted in discrete phases or  
23 blocks, each of which will result in the develop-  
24 ment of fieldable prototypes; and

1 (B) will not proceed into acquisition until  
 2 specific performance parameters, including  
 3 measurable exit criteria, have been met.

4 (2) The term “spiral” means one of the discrete  
 5 phases or blocks of a spiral development program.

6 (3) The term “major system” has the meaning  
 7 given such term in section 2302(5) of title 10,  
 8 United States Code.

9 (4) The term “participating program” means a  
 10 research and development program that is des-  
 11 ignated to participate in the pilot program under  
 12 subsection (b).

13 **SEC. 804. IMPROVEMENT OF SOFTWARE ACQUISITION**  
 14 **PROCESSES.**

15 (a) ESTABLISHMENT OF PROGRAMS.—(1) The Sec-  
 16 retary of each military department shall establish a pro-  
 17 gram to improve the software acquisition processes of that  
 18 military department.

19 (2) The head of each Defense Agency that manages  
 20 a major defense acquisition program with a substantial  
 21 software component shall establish a program to improve  
 22 the software acquisition processes of that Defense Agency.

23 (3) The programs required by this subsection shall  
 24 be established not later than 120 days after the date of  
 25 the enactment of this Act.

1 (b) PROGRAM REQUIREMENTS.—A program to im-  
2 prove software acquisition processes under this section  
3 shall, at a minimum, include the following:

4 (1) A documented process for software acquisi-  
5 tion planning, requirements development and man-  
6 agement, project management and oversight, and  
7 risk management.

8 (2) Efforts to develop systems for performance  
9 measurement and continual process improvement.

10 (3) A system for ensuring that each program  
11 office with substantial software responsibilities im-  
12 plements and adheres to established processes and  
13 requirements.

14 (c) DEPARTMENT OF DEFENSE GUIDANCE.—The  
15 Assistant Secretary of Defense for Command, Control,  
16 Communications, and Intelligence, in consultation with  
17 the Under Secretary of Defense for Acquisition, Tech-  
18 nology, and Logistics, shall—

19 (1) prescribe uniformly applicable guidance for  
20 the administration of all of the programs established  
21 under subsection (a) and take such actions as are  
22 necessary to ensure that the military departments  
23 and Defense Agencies comply with the guidance; and

24 (2) assist the Secretaries of the military depart-  
25 ments and the heads of the Defense Agencies to



1 carry out such programs effectively by identifying,  
 2 and serving as a clearinghouse for information re-  
 3 garding, best practices in software acquisition proc-  
 4 esses in both the public and private sectors.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “Defense Agency” has the mean-  
 7 ing given the term in section 101(a)(11) of title 10,  
 8 United States Code.

9 (2) The term “major defense acquisition pro-  
 10 gram” has the meaning given the term in section  
 11 2430 of title 10, United States Code.

12 **SEC. 805. INDEPENDENT TECHNOLOGY READINESS ASSESS-**  
 13 **MENTS.**

14 Section 804(b) of the National Defense Authorization  
 15 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.  
 16 1180) is amended—

17 (1) by striking “and” at the end of paragraph  
 18 (1);

19 (2) by striking the period at the end of para-  
 20 graph (2) and inserting “; and”; and

21 (3) by adding at the end the following new  
 22 paragraph:

23 “(3) identify each case in which an authori-  
 24 tative decision has been made within the Depart-  
 25 ment of Defense not to conduct an independent

1        technology readiness assessment for a critical tech-  
 2        nology on a major defense acquisition program and  
 3        explain the reasons for the decision.”.

4    **SEC. 806. TIMING OF CERTIFICATION IN CONNECTION WITH**  
 5                            **WAIVER OF SURVIVABILITY AND LETHALITY**  
 6                            **TESTING REQUIREMENTS.**

7        (a) CERTIFICATION FOR EXPEDITED PROGRAMS.—  
 8        Paragraph (1) of subsection (c) of section 2366 of title  
 9        10, United States Code, is amended to read as follows:

10        “(1) The Secretary of Defense may waive the applica-  
 11        tion of the survivability and lethality tests of this section  
 12        to a covered system, munitions program, missile program,  
 13        or covered product improvement program if the Secretary  
 14        determines that live-fire testing of such system or program  
 15        would be unreasonably expensive and impractical and sub-  
 16        mits a certification of that determination to Congress—

17                    “(A) before Milestone B approval for the sys-  
 18        tem or program; or

19                    “(B) in the case of a system or program initi-  
 20        ated at—

21                    “(i) Milestone B, as soon as is practicable  
 22        after the Milestone B approval; or

23                    “(ii) Milestone C, as soon as is practicable  
 24        after the Milestone C approval.”.

1 (b) DEFINITIONS.—Subsection (e) of such section is  
 2 amended by adding at the end the following new para-  
 3 graphs:

4 “(8) The term ‘Milestone B approval’ means a  
 5 decision to enter into system development and dem-  
 6 onstration pursuant to guidance prescribed by the  
 7 Secretary of Defense for the management of Depart-  
 8 ment of Defense acquisition programs.

9 “(9) The term ‘Milestone C approval’ means a  
 10 decision to enter into production and deployment  
 11 pursuant to guidance prescribed by the Secretary of  
 12 Defense for the management of Department of De-  
 13 fense acquisition programs.”.

## 14 **Subtitle B—Procurement Policy** 15 **Improvements**

### 16 **SEC. 811. PERFORMANCE GOALS FOR CONTRACTING FOR** 17 **SERVICES.**

18 (a) INDIVIDUAL PURCHASES OF SERVICES.—Sub-  
 19 section (a) of section 802 of the National Defense Author-  
 20 ization Act for Fiscal Year 2002 (Public Law 107–107;  
 21 10 U.S.C. 2330 note) is amended by adding at the end  
 22 the following new paragraphs:

23 “(3) To support the attainment of the goals estab-  
 24 lished in paragraph (2), the Department of Defense shall  
 25 have the following goals:

1           “(A) To increase, as a percentage of all of the  
2 individual purchases of services made by or for the  
3 Department of Defense under multiple award con-  
4 tracts for a fiscal year (calculated on the basis of  
5 dollar value), the volume of the individual purchases  
6 of services that are made on a competitive basis and  
7 involve the receipt of two or more offers from quali-  
8 fied contractors to a percentage as follows:

9                   “(i) For fiscal year 2003, a percentage not  
10 less than 50 percent.

11                   “(ii) For fiscal year 2004, a percentage  
12 not less than 60 percent.

13                   “(iii) For fiscal year 2011, a percentage  
14 not less than 80 percent.

15           “(B) To increase, as a percentage of all of the  
16 individual purchases of services made by or for the  
17 Department of Defense under multiple award con-  
18 tracts for a fiscal year (calculated on the basis of  
19 dollar value), the use of performance-based pur-  
20 chasing specifying firm fixed prices for the specific  
21 tasks to be performed to a percentage as follows:

22                   “(i) For fiscal year 2003, a percentage not  
23 less than 30 percent.

24                   “(ii) For fiscal year 2004, a percentage  
25 not less than 40 percent.

1           “(iii) For fiscal year 2005, a percentage  
2           not less than 50 percent.

3           “(iv) For fiscal year 2011, a percentage  
4           not less than 80 percent.”.

5           (b) EXTENSION AND REVISION OF REPORTING RE-  
6   QUIREMENT.—Subsection (b) of such section is  
7   amended—

8           (1) by striking “March 1, 2006”, and inserting  
9           “March 1, 2011”; and

10          (2) by adding at the end the following new  
11          paragraphs:

12               “(6) Regarding the individual purchases of  
13               services that were made by or for the Department  
14               of Defense under multiple award contracts in the fis-  
15               cal year preceding the fiscal year in which the report  
16               is required to be submitted, information (determined  
17               using the data collection system established under  
18               section 2330a of title 10, United States Code) as  
19               follows:

20                       “(A) The percentage (calculated on the  
21                       basis of dollar value) of such purchases that are  
22                       purchases that were made on a competitive  
23                       basis and involved receipt of two or more offers  
24                       from qualified contractors.

1           “(B) The percentage (calculated on the  
 2           basis of dollar value) of such purchases that are  
 3           performance-based purchases specifying firm  
 4           fixed prices for the specific tasks to be per-  
 5           formed.”.

6           (c) DEFINITIONS.—Such section is further amended  
 7   by adding at the end the following new subsection:

8           “(c) DEFINITIONS.—In this section:

9           “(1) The term ‘individual purchase’ means a  
 10          task order, delivery order, or other purchase.

11          “(2) The term ‘multiple award contract’  
 12          means—

13               “(A) a contract that is entered into by the  
 14               Administrator of General Services under the  
 15               multiple award schedule program referred to in  
 16               section 2302(2)(C) of title 10, United States  
 17               Code;

18               “(B) a multiple award task order contract  
 19               that is entered into under the authority of sec-  
 20               tions 2304a through 2304d of title 10, United  
 21               States Code, or sections 303H through 303K of  
 22               the Federal Property and Administrative Serv-  
 23               ices Act of 1949 (41 U.S.C. 253h through  
 24               253k); and

1           “(C) any other indefinite delivery, indefi-  
 2           nite quantity contract that is entered into by  
 3           the head of a Federal agency with two or more  
 4           sources pursuant to the same solicitation.”.

5 **SEC. 812. GRANTS OF EXCEPTIONS TO COST OR PRICING**  
 6 **DATA CERTIFICATION REQUIREMENTS AND**  
 7 **WAIVERS OF COST ACCOUNTING STANDARDS.**

8           (a) GUIDANCE FOR EXCEPTIONS IN EXCEPTIONAL  
 9 CIRCUMSTANCES.—(1) Not later than 60 days after the  
 10 date of the enactment of this Act, the Secretary of Defense  
 11 shall issue guidance on the circumstances under which it  
 12 is appropriate to grant—

13           (A) an exception pursuant to section  
 14 2306a(b)(1)(C) of title 10, United States Code, re-  
 15 lating to submittal of certified contract cost and  
 16 pricing data; or

17           (B) a waiver pursuant to section 26(f)(5)(B) of  
 18 the Office of Federal Procurement Policy Act (41  
 19 U.S.C. 422(f)(5)(B)), relating to the applicability of  
 20 cost accounting standards to contracts and sub-  
 21 contracts.

22           (2) The guidance shall, at a minimum, include a limi-  
 23 tation that a grant of an exception or waiver referred to  
 24 in paragraph (1) is appropriate with respect to a contract  
 25 or subcontract, or (in the case of submittal of certified

1 cost and pricing data) a modification, only upon a deter-  
2 mination that the property or services cannot be obtained  
3 under the contract, subcontract, or modification, as the  
4 case may be, without the grant of the exception or waiver.

5 (b) SEMIANNUAL REPORT.—(1) The Secretary of De-  
6 fense shall transmit to the congressional defense commit-  
7 tees promptly after the end of each half of a fiscal year  
8 a report on the exceptions to cost or pricing data certifi-  
9 cation requirements and the waivers of applicability of cost  
10 accounting standards that, in cases described in para-  
11 graph (2), were granted during that half of the fiscal year.

12 (2) The report for a half of a fiscal year shall include  
13 an explanation of—

14 (A) each decision by the head of a procuring ac-  
15 tivity within the Department of Defense to exercise  
16 the authority under subparagraph (B) or (C) of sub-  
17 section (b)(1) of section 2306a of title 10, United  
18 States Code, to grant an exception to the require-  
19 ments of such section in the case of a contract, sub-  
20 contract, or contract or subcontract modification  
21 that is expected to have a price of \$15,000,000 or  
22 more; and

23 (B) each decision by the Secretary of Defense  
24 or the head of an agency within the Department of  
25 Defense to exercise the authority under subsection



1 (f)(5)(B) of section 26 of the Office of Federal Pro-  
2 curement Policy Act to waive the applicability of the  
3 cost accounting standards under such section in the  
4 case of a contract or subcontract that is expected to  
5 have a value of \$15,000,000 or more.

6 (c) ADVANCE NOTIFICATION OF CONGRESS.—(1)  
7 The Secretary of Defense shall transmit to the congres-  
8 sional defense committees an advance notification of—

9 (A) any decision by the head of a procuring ac-  
10 tivity within the Department of Defense to exercise  
11 the authority under subsection (b)(1)(C) of section  
12 2306a of title 10, United States Code, to grant an  
13 exception to the requirements of such section in the  
14 case of a contract, subcontract, or contract or sub-  
15 contract modification that is expected to have a  
16 price of \$75,000,000 or more; or

17 (B) any decision by the Secretary of Defense or  
18 the head of an agency within the Department of De-  
19 fense to exercise the authority under subsection  
20 (f)(5)(B) of section 26 of the Office of Federal Pro-  
21 curement Policy Act to waive the applicability of the  
22 cost accounting standards under such section to a  
23 contract or subcontract that is expected to have a  
24 value of \$75,000,000 or more.

1       (2) The notification under paragraph (1) regarding  
 2 a decision to grant an exception or waiver shall be trans-  
 3 mitted not later than 10 days before the exception or waiv-  
 4 er is granted.

5       (d) CONTENTS OF REPORTS AND NOTIFICATIONS.—  
 6 A report pursuant to subsection (b) and a notification pur-  
 7 suant to subsection (c) shall include, for each grant of an  
 8 exception or waiver, the following matters:

9           (1) A discussion of the justification for the  
 10 grant of the exception or waiver, including at a  
 11 minimum—

12               (A) in the case of an exception granted  
 13 pursuant to section 2306a(b)(1)(B) of title 10,  
 14 United States Code, an explanation of the basis  
 15 for the determination that the products or serv-  
 16 ices to be purchased are commercial items; and

17               (B) in the case of an exception granted  
 18 pursuant to section 2306a(b)(1)(C) of such  
 19 title, or a waiver granted pursuant to section  
 20 26(f)(5)(B) of the Office of Federal Procure-  
 21 ment Policy Act, an explanation of the basis for  
 22 the determination that it would not have been  
 23 possible to obtain the products or services from  
 24 the offeror without the grant of the exception or  
 25 waiver.

1           (2) A description of the specific steps taken or  
 2           to be taken within the Department of Defense to en-  
 3           sure that the price of each contract, subcontract, or  
 4           modification covered by the report or notification, as  
 5           the case may be, is fair and reasonable.

6           (e) **EFFECTIVE DATE.**—The requirements of this sec-  
 7           tion shall apply to each exception or waiver that is granted  
 8           under a provision of law referred to in subsection (a) on  
 9           or after the date on which the guidance required by that  
 10          subsection (a) is issued.

11   **SEC. 813. EXTENSION OF REQUIREMENT FOR ANNUAL RE-**  
 12                           **PORT ON DEFENSE COMMERCIAL PRICING**  
 13                           **MANAGEMENT IMPROVEMENT.**

14          Section 803(c)(4) of the Strom Thurmond National  
 15          Defense Authorization Act for Fiscal Year 1999 (Public  
 16          Law 105–261; 112 Stat. 2082; 10 U.S.C. 2306a note) is  
 17          amended by striking “2000, 2001, and 2002,” and insert-  
 18          ing “2000 through 2006,”.

19   **SEC. 814. INTERNAL CONTROLS ON THE USE OF PURCHASE**  
 20                           **CARDS.**

21          (a) **REQUIREMENT FOR ENHANCED INTERNAL CON-**  
 22          **TROLS.**—Not later than 120 days after the date of the  
 23          enactment of this Act, the Secretary of Defense shall take  
 24          action to ensure that appropriate internal controls for the  
 25          use of purchase cards issued by the Federal Government

1 to Department of Defense personnel are in place through-  
2 out the Department of Defense. At a minimum, the inter-  
3 nal controls shall include the following:

4 (1) A requirement that the receipt and accept-  
5 ance, and the documentation of the receipt and ac-  
6 ceptance, of the property or services purchased on a  
7 purchase card be verified by a Department of De-  
8 fense official who is independent of the purchaser.

9 (2) A requirement that the monthly purchase  
10 card statements of purchases on a purchase card be  
11 reviewed and certified for accuracy by an official of  
12 the Department of Defense who is independent of  
13 the purchaser.

14 (3) Specific policies limiting the number of pur-  
15 chase cards issued, with the objective of significantly  
16 reducing the number of cardholders.

17 (4) Specific policies on credit limits authorized  
18 for cardholders, with the objective of minimizing fi-  
19 nancial risk to the Federal Government.

20 (5) Specific criteria for identifying employees el-  
21 igible to be issued purchase cards, with the objective  
22 of ensuring the integrity of cardholders.

23 (6) Accounting procedures that ensure that  
24 purchase card transactions are properly recorded in  
25 Department of Defense accounting records.

1           (7) Requirements for regular internal review of  
2           purchase card statements to identify—

3                   (A) potentially fraudulent, improper, and  
4                   abusive purchases;

5                   (B) any patterns of improper cardholder  
6                   transactions, such as purchases of prohibited  
7                   items; and

8                   (C) categories of purchases that should be  
9                   made through other mechanisms to better ag-  
10                  gregate purchases and negotiate lower prices.

11          (b) TRAINING.—The Secretary of Defense shall en-  
12          sure that all Department of Defense purchase cardholders  
13          are aware of the enhanced internal controls instituted pur-  
14          suant to subsection (a).

15          (c) COMPTROLLER GENERAL REVIEW.—Not later  
16          than March 1, 2003, the Comptroller General shall—

17                  (1) review the actions that have been taken  
18                  within the Department of Defense to comply with  
19                  the requirements of this section; and

20                  (2) submit a report on the actions reviewed to  
21                  the congressional defense committees.

1 **SEC. 815. ASSESSMENT REGARDING FEES PAID FOR ACQUI-**  
2 **SITIONS UNDER OTHER AGENCIES' CON-**  
3 **TRACTS.**

4 (a) REQUIREMENT FOR ASSESSMENT AND RE-  
5 PORT.—Not later than March 1, 2003, the Secretary of  
6 Defense shall carry out an assessment to determine the  
7 total amount paid by the Department of Defense as fees  
8 for the acquisition of property and services by the Depart-  
9 ment of Defense under contracts between other depart-  
10 ments and agencies of the Federal Government and the  
11 sources of the property and services in each of fiscal years  
12 2000, 2001, and 2002, and submit a report on the results  
13 of the assessment to Congress.

14 (b) CONTENT OF REPORT.—The report shall include  
15 the Secretary's views on what, if any, actions should be  
16 taken within the Department of Defense to reduce the  
17 total amount of the annual expenditures on fees described  
18 in subsection (a) and to use the amounts saved for other  
19 authorized purposes.

20 **SEC. 816. PILOT PROGRAM FOR TRANSITION TO FOLLOW-**  
21 **ON CONTRACTS FOR CERTAIN PROTOTYPE**  
22 **PROJECTS.**

23 Section 845 of the National Defense Authorization  
24 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-  
25 ed by—

1           (1) redesignating subsections (e), (f), and (g) as  
2           subsections (f), (g), and (h), respectively; and

3           (2) inserting after subsection (d) the following  
4           new subsection (e):

5           “(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-  
6           ON CONTRACTS.—(1) The Secretary of Defense is author-  
7           ized to carry out a pilot program for follow-on contracting  
8           for the production of items or processes that are developed  
9           by nontraditional defense contractors under prototype  
10          projects carried out under this section.

11          “(2) Under the pilot program—

12               “(A) a qualifying contract for the procurement  
13               of such an item or process, or a qualifying sub-  
14               contract under a contract for the procurement of  
15               such an item or process, may be treated as a con-  
16               tract or subcontract, respectively, for the procure-  
17               ment of commercial items, as defined in section  
18               4(12) of the Office of Federal Procurement Policy  
19               Act (41 U.S.C. 403(12)); and

20               “(B) the item or process may be treated as an  
21               item or process, respectively, that is developed in  
22               part with Federal funds and in part at private ex-  
23               pense for the purposes of section 2320 of title 10,  
24               United States Code.

1       “(3) For the purposes of the pilot program, a quali-  
 2       fying contract or subcontract is a contract or subcontract,  
 3       respectively, with a nontraditional defense contractor  
 4       that—

5               “(A) does not exceed \$20,000,000; and

6               “(B) is either—

7                       “(i) a firm, fixed-price contract or sub-  
 8                       contract; or

9                       “(ii) a fixed-price contract or subcontract  
 10                      with economic price adjustment.

11       “(4) The authority to conduct a pilot program under  
 12       this subsection shall terminate on September 30, 2005.  
 13       The termination of the authority shall not affect the valid-  
 14       ity of contracts or subcontracts that are awarded or modi-  
 15       fied during the period of the pilot program, without regard  
 16       to whether the contracts or subcontracts are performed  
 17       during the period.”.

18       **SEC. 817. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**  
 19               **CONTENT REQUIREMENTS.**

20       (a) **AUTHORITY.**—Subchapter V of chapter 148 of  
 21       title 10, United States Code, is amended by adding at the  
 22       end the following new section:



1 **“§ 2539c. Waiver of domestic source or content re-**  
2 **quirements**

3 “(a) **AUTHORITY.**—Except as provided in subsection  
4 (f), the Secretary of Defense may waive the application  
5 of any domestic source requirement or domestic content  
6 requirement referred to in subsection (b) and thereby au-  
7 thorize the procurement of items that are grown, reproc-  
8 essed, reused, produced, or manufactured—

9 “(1) in a foreign country that has a reciprocal  
10 defense procurement memorandum of understanding  
11 or agreement with the United States;

12 “(2) in a foreign country that has a reciprocal  
13 defense procurement memorandum of understanding  
14 or agreement with the United States substantially  
15 from components and materials grown, reprocessed,  
16 reused, produced, or manufactured in the United  
17 States or any foreign country that has a reciprocal  
18 defense procurement memorandum of understanding  
19 or agreement with the United States; or

20 “(3) in the United States substantially from  
21 components and materials grown, reprocessed, re-  
22 used, produced, or manufactured in the United  
23 States or any foreign country that has a reciprocal  
24 defense procurement memorandum of understanding  
25 or agreement with the United States.

1       “(b) COVERED REQUIREMENTS.—For purposes of  
2 this section:

3               “(1) A domestic source requirement is any re-  
4 quirement under law that the Department of De-  
5 fense satisfy its requirements for an item by pro-  
6 curing an item that is grown, reprocessed, reused,  
7 produced, or manufactured in the United States or  
8 by a manufacturer that is a part of the national  
9 technology and industrial base (as defined in section  
10 2500(1) of this title).

11              “(2) A domestic content requirement is any re-  
12 quirement under law that the Department of De-  
13 fense satisfy its requirements for an item by pro-  
14 curing an item produced or manufactured partly or  
15 wholly from components and materials grown, re-  
16 processed, reused, produced, or manufactured in the  
17 United States.

18       “(c) APPLICABILITY.—The authority of the Secretary  
19 to waive the application of a domestic source or content  
20 requirements under subsection (a) applies to the procure-  
21 ment of items for which the Secretary of Defense deter-  
22 mines that—

23              “(1) application of the requirement would im-  
24 pede the reciprocal procurement of defense items  
25 under a memorandum of understanding providing

1 for reciprocal procurement of defense items between  
2 a foreign country and the United States in accord-  
3 ance with section 2531 of this title; and

4 “(2) such country does not discriminate against  
5 defense items produced in the United States to a  
6 greater degree than the United States discriminates  
7 against defense items produced in that country.

8 “(d) LIMITATION ON DELEGATION.—The authority  
9 of the Secretary to waive the application of domestic  
10 source or content requirements under subsection (a) may  
11 not be delegated to any officer or employee other than the  
12 Under Secretary of Defense for Acquisition, Technology  
13 and Logistics.

14 “(e) CONSULTATIONS.—The Secretary may grant a  
15 waiver of the application of a domestic source or content  
16 requirement under subsection (a) only after consultation  
17 with the United States Trade Representative, the Sec-  
18 retary of Commerce, and the Secretary of State.

19 “(f) LAWS NOT WAIVABLE.—The Secretary of De-  
20 fense may not exercise the authority under subsection (a)  
21 to waive any domestic source or content requirement con-  
22 tained in any of the following laws:

23 “(1) The Small Business Act (15 U.S.C. 631 et  
24 seq.).

1           “(2) The Javits-Wagner-O’Day Act (41 U.S.C.  
2       et seq.).

3           “(3) Sections 7309 and 7310 of this title.

4           “(4) Section 2533a of this title.

5       “(g) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
6   ITY.—The authority under subsection (a) to waive a do-  
7   mestic source requirement or domestic content require-  
8   ment is in addition to any other authority to waive such  
9   requirement.

10       “(h) CONSTRUCTION WITH RESPECT TO LATER EN-  
11   ACTED LAWS.—This section may not be construed as  
12   being inapplicable to a domestic source requirement or do-  
13   mestic content requirement that is set forth in a law en-  
14   acted after the enactment of this section solely on the  
15   basis of the later enactment.”.

16       (b) CLERICAL AMENDMENT.—The table of sections  
17   at the beginning of such subchapter is amended by insert-  
18   ing after the item relating to section 2539b the following  
19   new item:

      “2539c. Waiver of domestic source or content requirements.”.

1           **Subtitle C—Other Matters**

2   **SEC. 821. EXTENSION OF THE APPLICABILITY OF CERTAIN**  
3                   **PERSONNEL DEMONSTRATION PROJECT EX-**  
4                   **CEPTIONS TO AN ACQUISITION WORKFORCE**  
5                   **DEMONSTRATION PROJECT.**

6           Section 4308(b)(3)(B) of the National Defense Au-  
7   thorization Act for Fiscal Year 1996 (Public Law 104–  
8   106; 10 U.S.C. 1701 note) is amended to read as follows:

9                   “(B) commences before November 18,  
10                  2007.”.

11   **SEC. 822. MORATORIUM ON REDUCTION OF THE DEFENSE**  
12                   **ACQUISITION AND SUPPORT WORKFORCE.**

13           (a) PROHIBITION.—Notwithstanding any other provi-  
14   sion of law, the defense acquisition and support workforce  
15   may not be reduced, during fiscal years 2003, 2004, and  
16   2005, below the level of that workforce as of September  
17   30, 2002, determined on the basis of full-time equivalent  
18   positions.

19           (b) WAIVER AUTHORITY.—The Secretary of Defense  
20   may waive the prohibition in subsection (a) and reduce  
21   the level of the defense acquisition and support workforce  
22   upon submitting to Congress the Secretary’s certification  
23   that the defense acquisition and support workforce, at the  
24   level to which reduced, will be able efficiently and effec-  
25   tively to perform the workloads that are required of that

1 workforce consistent with the cost-effective management  
2 of the defense acquisition system to obtain best value  
3 equipment and with ensuring military readiness.

4 (c) DEFENSE ACQUISITION AND SUPPORT WORK-  
5 FORCE DEFINED.—In this section, the term “defense ac-  
6 quisition and support workforce” means Armed Forces  
7 and civilian personnel who are assigned to, or are em-  
8 ployed in, an organization of the Department of Defense  
9 that is—

10 (1) an acquisition organization specified in De-  
11 partment of Defense Instruction 5000.58, dated  
12 January 14, 1992; or

13 (2) an organization not so specified that has ac-  
14 quisition as its predominant mission, as determined  
15 by the Secretary of Defense.

16 **SEC. 823. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-**  
17 **ADVANTAGED BUSINESSES AND CERTAIN IN-**  
18 **STITUTIONS OF HIGHER EDUCATION.**

19 Section 2323(k) of title 10, United States Code, is  
20 amended by striking “2003” both places it appears and  
21 inserting “2006”.

1 **SEC. 824. MENTOR-PROTEGE PROGRAM ELIGIBILITY FOR**  
2 **HUBZONE SMALL BUSINESS CONCERNS AND**  
3 **SMALL BUSINESS CONCERNS OWNED AND**  
4 **CONTROLLED BY SERVICE-DISABLED VET-**  
5 **ERANS.**

6 Section 831(m)(2) of the National Defense Author-  
7 ization Act for Fiscal Year 1991 (10 U.S.C. 2302 note),  
8 is amended—

9 (1) by striking “or” at the end of subparagraph  
10 (D);

11 (2) by striking the period at the end of sub-  
12 paragraph (E) and inserting a semicolon; and

13 (3) by adding at the end the following new sub-  
14 paragraphs:

15 “(F) a qualified HUBZone small business  
16 concern, within the meaning of section 3(p)(5)  
17 of the Small Business Act (15 U.S.C.  
18 632(p)(5)); or

19 “(G) a small business concern owned and  
20 controlled by service-disabled veterans, as de-  
21 fined in section 3(q)(2) of the Small Business  
22 Act (15 U.S.C. 632(q)(2)).”.

1 **SEC. 825. REPEAL OF REQUIREMENTS FOR CERTAIN RE-**  
 2 **VIEWS BY THE COMPTROLLER GENERAL.**

3 The following provisions of the National Defense Au-  
 4 thorization Act for Fiscal Year 1996 (Public Law 104–  
 5 106) are repealed:

6 (1) Section 912(d) (110 Stat. 410; 10 U.S.C.  
 7 2216 note), relating to Comptroller General reviews  
 8 of the administration of the Defense Modernization  
 9 Account.

10 (2) Section 5312(e) (110 Stat. 695; 40 U.S.C.  
 11 1492), relating to Comptroller General monitoring of  
 12 a pilot program for solutions-based contracting for  
 13 acquisition of information technology.

14 (3) Section 5401(c)(3) (110 Stat. 697; 40  
 15 U.S.C. 1501), relating to a Comptroller General re-  
 16 view and report regarding a pilot program to test  
 17 streamlined procedures for the procurement of infor-  
 18 mation technology products and services available  
 19 for ordering through multiple award schedules.

20 **SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
 21 **PURCHASE OF DINITROGEN TETROXIDE, HY-**  
 22 **DRAZINE, AND HYDRAZINE-RELATED PROD-**  
 23 **UCTS.**

24 (a) IN GENERAL.—Chapter 141 of title 10, United  
 25 States Code, is amended by inserting after section 2410n  
 26 the following new section:



1 **“§ 2410o. Multiyear procurement authority: purchase**  
 2 **of dinitrogen tetroxide, hydrazine, and**  
 3 **hydrazine-related products**

4 “(a) TEN-YEAR CONTRACT PERIOD.—The Secretary  
 5 of Defense may enter into a contract for a period of up  
 6 to 10 years for the purchase of dinitrogen tetroxide, hy-  
 7 drazine, and hydrazine-related products for the support of  
 8 a United States national security program or a United  
 9 States space program.

10 “(b) EXTENSIONS.—A contract entered into for more  
 11 than one year under the authority of subsection (a) may  
 12 be extended for a total of not more than 10 years pursuant  
 13 to any option or options set forth in the contract.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 141 is amended by adding at  
 16 the end the following item:

“2410o. Multiyear procurement authority: purchase of dinitrogen tetroxide, hy-  
 drazine, and hydrazine-related products.”.

17 **SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR EN-**  
 18 **VIRONMENTAL SERVICES FOR MILITARY IN-**  
 19 **STALLATIONS.**

20 (a) AUTHORITY.—Subsection (b) of section 2306c of  
 21 title 10, United States Code, is amended by adding at the  
 22 end the following new paragraph:

23 “(5) Environmental remediation services for—  
 24 “(A) an active military installation;

1 “(B) a military installation being closed or  
2 realigned under a base closure law; or

3 “(C) a site formerly used by the Depart-  
4 ment of Defense.”.

5 (b) DEFINITIONS.—Such section is further amended  
6 by adding at the end the following new subsection:

7 “(g) ADDITIONAL DEFINITIONS.—In this section:

8 “(1) The term ‘base closure law’ has the mean-  
9 ing given such term in section 2667(h)(2) of this  
10 title.

11 “(2) The term ‘military installation’ has the  
12 meaning given such term in section 2801(c)(2) of  
13 this title.”.

14 **TITLE IX—DEPARTMENT OF DE-**  
15 **FENSE ORGANIZATION AND**  
16 **MANAGEMENT**

17 **SEC. 901. TIME FOR SUBMITTAL OF REPORT ON QUADREN-**  
18 **NIAL DEFENSE REVIEW.**

19 Section 118(d) of title 10, United States Code, is  
20 amended by striking “not later than September 30 of the  
21 year in which the review is conducted” in the second sen-  
22 tence and inserting “in the year following the year in  
23 which the review is conducted, but not later than the date  
24 on which the President submits the budget for the next  
25 fiscal year to Congress under section 1105(a) of title 31”.

1 **SEC. 902. INCREASED NUMBER OF DEPUTY COMMANDANTS**

2 **AUTHORIZED FOR THE MARINE CORPS.**

3 Section 5045 of title 10, United States Code, is  
4 amended by striking “five” and inserting “six”.

5 **SEC. 903. BASE OPERATING SUPPORT FOR FISHER HOUSES.**

6 (a) EXPANSION OF REQUIREMENT TO INCLUDE  
7 ARMY AND AIR FORCE.—Section 2493(f) of title 10,  
8 United States Code, is amended to read as follows:

9 “(f) BASE OPERATING SUPPORT.—The Secretary of  
10 the military department concerned shall provide base oper-  
11 ating support for Fisher Houses associated with health  
12 care facilities of that military department.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect on October 1, 2002.

15 **SEC. 904. PREVENTION AND MITIGATION OF CORROSION.**

16 (a) ESTABLISHMENT.—Not later than 120 days after  
17 the date of the enactment of this Act, the Secretary of  
18 Defense shall designate an officer or employee of the De-  
19 partment of Defense as the senior official responsible  
20 (after the Secretary of Defense and the Under Secretary  
21 of Defense for Acquisition, Technology, and Logistics) for  
22 the prevention and mitigation of corrosion of the military  
23 equipment and infrastructure of the Department. The des-  
24 ignated official shall report directly to the Under Sec-  
25 retary of Defense for Acquisition, Technology, and Logis-  
26 tics.

1 (b) DUTIES.—The official designated under sub-  
2 section (a) shall direct and coordinate initiatives through-  
3 out the Department of Defense to prevent and mitigate  
4 corrosion of the military equipment and infrastructure of  
5 the Department, including efforts to facilitate the preven-  
6 tion and mitigation of corrosion through—

7 (1) development and recommendation of policy  
8 guidance on the prevention and mitigation of corro-  
9 sion which the Secretary of Defense shall issue;

10 (2) review of the annual budget proposed for  
11 the prevention and mitigation of corrosion by the  
12 Secretary of each military department and submittal  
13 of recommendations regarding the proposed budget  
14 to the Secretary of Defense;

15 (3) direction and coordination of the efforts  
16 within the Department of Defense to prevent or  
17 mitigate corrosion during—

18 (A) the design, acquisition, and mainte-  
19 nance of military equipment; and

20 (B) the design, construction, and mainte-  
21 nance of infrastructure; and

22 (4) monitoring of acquisition practices—

23 (A) to ensure that the use of corrosion pre-  
24 vention technologies and the application of cor-  
25 rosion prevention treatments are fully consid-

1           ered during research and development in the  
2           acquisition process; and

3                 (B) to ensure that, to the extent deter-  
4           mined appropriate in each acquisition program,  
5           such technologies and treatments are incor-  
6           porated into the program, particularly during  
7           the engineering and design phases of the acqui-  
8           sition process.

9           (c) INTERIM REPORT.—When the President submits  
10   the budget for fiscal year 2004 to Congress pursuant to  
11   section 1105(a) of title 31, United States Code, the Sec-  
12   retary of Defense shall submit to Congress a report re-  
13   garding the actions taken under this section. The report  
14   shall include the following matters:

15                 (1) The organizational structure for the per-  
16   sonnel carrying out the responsibilities of the official  
17   designated under subsection (a) with respect to the  
18   prevention and mitigation of corrosion.

19                 (2) An outline and milestones for developing a  
20   long-term corrosion prevention and mitigation strat-  
21   egy.

22           (d) LONG-TERM STRATEGY.—(1) Not later than one  
23   year after the date of the enactment of this Act, the Sec-  
24   retary of Defense shall submit to Congress a long-term  
25   strategy to reduce corrosion and the effects of corrosion

1 on the military equipment and infrastructure of the De-  
2 partment of Defense.

3 (2) The strategy shall provide for the following ac-  
4 tions:

5 (A) Expanding the emphasis on corrosion pre-  
6 vention and mitigation to include coverage of infra-  
7 structure.

8 (B) Applying uniformly throughout the Depart-  
9 ment of Defense requirements and criteria for the  
10 testing and certification of new technologies for the  
11 prevention of corrosion.

12 (C) Implementing programs, including pro-  
13 grams supporting databases, to foster the collection  
14 and analysis of—

15 (i) data useful for determining the extent  
16 of the effects of corrosion on the maintenance  
17 and readiness of military equipment and infra-  
18 structure; and

19 (ii) data on the costs associated with the  
20 prevention and mitigation of corrosion.

21 (D) Implementing programs, including sup-  
22 porting databases, to ensure that a focused and co-  
23 ordinated approach is taken throughout the Depart-  
24 ment of Defense to collect, review, validate, and dis-  
25 tribute information on proven methods and products

1       that are relevant to the prevention of corrosion of  
2       military equipment and infrastructure.

3           (E) Implementing a program to identify specific  
4       funding in future budgets for the total life cycle  
5       costs of the prevention and mitigation of corrosion.

6           (F) Establishing a coordinated research and de-  
7       velopment program for the prevention and mitiga-  
8       tion of corrosion for new and existing military equip-  
9       ment and infrastructure that includes a plan to  
10      transition new corrosion prevention technologies into  
11      operational systems.

12      (3) The strategy shall also include, for the actions  
13      provided for pursuant to paragraph (2), the following:

14           (A) Policy guidance.

15           (B) Performance measures and milestones.

16           (C) An assessment of the necessary program  
17      management resources and necessary financial re-  
18      sources.

19      (e) GAO REVIEWS.—The Comptroller General shall  
20      monitor the implementation of the long-term strategy re-  
21      quired under subsection (d) and, not later than 18 months  
22      after the date of the enactment of this Act, submit to Con-  
23      gress an assessment of the extent to which the strategy  
24      has been implemented.

25      (f) DEFINITIONS.—In this section:

1           (1) The term “corrosion” means the deteriora-  
 2           tion of a substance or its properties due to a reac-  
 3           tion with its environment.

4           (2) The term “military equipment” includes all  
 5           air, land, and sea weapon systems, weapon plat-  
 6           forms, vehicles, and munitions of the Department of  
 7           Defense, and the components of such items.

8           (3) The term “infrastructure” includes all  
 9           buildings, structures, airfields, port facilities, surface  
 10          and subterranean utility systems, heating and cool-  
 11          ing systems, fuel tanks, pavements, and bridges.

12          (g) TERMINATION.—This section shall cease to be ef-  
 13          fective on the date that is five years after the date of the  
 14          enactment of this Act.

## 15   **TITLE X—GENERAL PROVISIONS**

### 16   **Subtitle A—Financial Matters**

#### 17   **SEC. 1001. TRANSFER AUTHORITY.**

18          (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

19          (1) Upon determination by the Secretary of Defense that  
 20          such action is necessary in the national interest, the Sec-  
 21          retary may transfer amounts of authorizations made avail-  
 22          able to the Department of Defense in this division for fis-  
 23          cal year 2003 between any such authorizations for that  
 24          fiscal year (or any subdivisions thereof). Amounts of au-  
 25          thorizations so transferred shall be merged with and be



1 available for the same purposes as the authorization to  
2 which transferred.

3 (2) The total amount of authorizations that the Sec-  
4 retary may transfer under the authority of this section  
5 may not exceed \$2,500,000,000.

6 (b) LIMITATIONS.—The authority provided by this  
7 section to transfer authorizations—

8 (1) may only be used to provide authority for  
9 items that have a higher priority than the items  
10 from which authority is transferred; and

11 (2) may not be used to provide authority for an  
12 item that has been denied authorization by Con-  
13 gress.

14 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
15 transfer made from one account to another under the au-  
16 thority of this section shall be deemed to increase the  
17 amount authorized for the account to which the amount  
18 is transferred by an amount equal to the amount trans-  
19 ferred.

20 (d) NOTICE TO CONGRESS.—The Secretary shall  
21 promptly notify Congress of each transfer made under  
22 subsection (a).

1 **SEC. 1002. REALLOCATION OF AUTHORIZATIONS OF APPRO-**  
2 **PRIATIONS FROM BALLISTIC MISSILE DE-**  
3 **FENSE TO SHIPBUILDING.**

4 (a) AMOUNT.—Notwithstanding any other provision  
5 of this Act, the total amount authorized to be appropriated  
6 under section 201(4) is hereby reduced by \$690,000,000,  
7 and the amount authorized to be appropriated under sec-  
8 tion 102(a)(3) is hereby increased by \$690,000,000.

9 (b) SOURCE OF REDUCTION.—The total amount of  
10 the reduction in the amount authorized to be appropriated  
11 under section 201(4) shall be derived from the amount  
12 provided under that section for ballistic missile defense for  
13 research, development, test, and evaluation.

14 (c) ALLOCATION OF INCREASE.—Of the additional  
15 amount authorized to be appropriated under section  
16 102(a)(3) pursuant to subsection (a)—

17 (1) \$415,000,000 shall be available for advance  
18 procurement of a Virginia class submarine;

19 (2) \$125,000,000 shall be available for advance  
20 procurement of a DDG–51 class destroyer; and

21 (3) \$150,000,000 shall be available for advance  
22 procurement of an LPD–17 class amphibious trans-  
23 port dock.

1 **SEC. 1003. AUTHORIZATION OF APPROPRIATIONS FOR CON-**  
2 **TINUED OPERATIONS FOR THE WAR ON TER-**  
3 **RORISM.**

4 (a) AMOUNT.—(1) In addition to the amounts au-  
5 thorized to be appropriated under divisions A and B,  
6 funds are hereby authorized to be appropriated for fiscal  
7 year 2003 (subject to subsection (b)) in the total amount  
8 of \$10,000,000,000 for the conduct of operations in con-  
9 tinuation of the war on terrorism in accordance with the  
10 Authorization for Use of Military Force (Public Law 107–  
11 40; 50 U.S.C. 1541 note).

12 (2) The amount authorized to be appropriated under  
13 paragraph (1) shall be available for increased operating  
14 costs, transportation costs, costs of humanitarian efforts,  
15 costs of special pays, costs of enhanced intelligence efforts,  
16 increased personnel costs for members of the reserve com-  
17 ponents ordered to active duty under a provision of law  
18 referred to in section 101(a)(13)(B) of title 10, United  
19 States Code, and other costs related to operations referred  
20 to in paragraph (1).

21 (b) AUTHORIZATION CONTINGENT ON BUDGET RE-  
22 QUEST.—The authorization of appropriations in sub-  
23 section (a) shall be effective only to the extent of the  
24 amount provided in a budget request for the appropriation  
25 of funds for purposes set forth in subsection (a) that is

1 submitted by the President to Congress after the date of  
2 the enactment of this Act and—

3 (1) includes a designation of the requested  
4 amount as being essential to respond to or protect  
5 against acts or threatened acts of terrorism; and

6 (2) specifies a proposed allocation and plan for  
7 the use of the appropriation for purposes set forth  
8 in subsection (a).

9 **SEC. 1004. AUTHORIZATION OF EMERGENCY SUPPLE-**  
10 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**  
11 **2002.**

12 Amounts authorized to be appropriated to the De-  
13 partment of Defense for fiscal year 2002 in the National  
14 Defense Authorization Act for Fiscal Year 2002 (Public  
15 Law 107–107) are hereby adjusted, with respect to any  
16 such authorized amount, by the amount by which appro-  
17 priations pursuant to such authorization were increased  
18 (by a supplemental appropriation) or decreased (by a re-  
19 scission), or both, in any law making supplemental appro-  
20 priations for fiscal year 2002 that is enacted during the  
21 107th Congress, second session.

22 **SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COM-**  
23 **MON-FUNDED BUDGETS IN FISCAL YEAR 2003.**

24 (a) **FISCAL YEAR 2003 LIMITATION.**—The total  
25 amount contributed by the Secretary of Defense in fiscal

1 year 2003 for the common-funded budgets of NATO may  
2 be any amount up to, but not in excess of, the amount  
3 specified in subsection (b) (rather than the maximum  
4 amount that would otherwise be applicable to those con-  
5 tributions under the fiscal year 1998 baseline limitation).

6 (b) TOTAL AMOUNT.—The amount of the limitation  
7 applicable under subsection (a) is the sum of the following:

8 (1) The amounts of unexpended balances, as of  
9 the end of fiscal year 2002, of funds appropriated  
10 for fiscal years before fiscal year 2003 for payments  
11 for those budgets.

12 (2) The amount specified in subsection (c)(1).

13 (3) The amount specified in subsection (c)(2).

14 (4) The total amount of the contributions au-  
15 thorized to be made under section 2501.

16 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
17 be appropriated by titles II and III of this Act are avail-  
18 able for contributions for the common-funded budgets of  
19 NATO as follows:

20 (1) Of the amount provided in section 201(1),  
21 \$750,000 for the Civil Budget.

22 (2) Of the amount provided in section  
23 301(a)(1), \$205,623,000 for the Military Budget.

24 (d) DEFINITIONS.—For purposes of this section:

1 (1) COMMON-FUNDED BUDGETS OF NATO.—

2 The term “common-funded budgets of NATO”  
 3 means the Military Budget, the Security Investment  
 4 Program, and the Civil Budget of the North Atlantic  
 5 Treaty Organization (and any successor or addi-  
 6 tional account or program of NATO).

7 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—

8 The term “fiscal year 1998 baseline limitation”  
 9 means the maximum annual amount of Department  
 10 of Defense contributions for common-funded budgets  
 11 of NATO that is set forth as the annual limitation  
 12 in section 3(2)(C)(ii) of the resolution of the Senate  
 13 giving the advice and consent of the Senate to the  
 14 ratification of the Protocols to the North Atlantic  
 15 Treaty of 1949 on the Accession of Poland, Hun-  
 16 gary, and the Czech Republic (as defined in section  
 17 4(7) of that resolution), approved by the Senate on  
 18 April 30, 1998.

19 **SEC. 1006. DEVELOPMENT AND IMPLEMENTATION OF FI-**  
 20 **NANCIAL MANAGEMENT ENTERPRISE ARCHI-**  
 21 **TECTURE.**

22 (a) REQUIREMENT FOR ENTERPRISE ARCHITECTURE  
 23 AND TRANSITION PLAN.—Not later than March 15, 2003,  
 24 the Secretary of Defense shall develop a proposed financial  
 25 management enterprise architecture for all budgetary, ac-

1 counting, finance, and data feeder systems of the Depart-  
2 ment of Defense, together with a transition plan for imple-  
3 menting the proposed enterprise architecture.

4 (b) COMPOSITION OF ARCHITECTURE.—The pro-  
5 posed financial management enterprise architecture devel-  
6 oped under subsection (a) shall describe a system that,  
7 at a minimum—

8 (1) includes data standards and system inter-  
9 face requirements that are to apply uniformly  
10 throughout the Department of Defense;

11 (2) enables the Department of Defense—

12 (A) to comply with Federal accounting, fi-  
13 nancial management, and reporting require-  
14 ments;

15 (B) to routinely produce timely, accurate,  
16 and useful financial information for manage-  
17 ment purposes;

18 (C) to integrate budget, accounting, and  
19 program information and systems; and

20 (D) to provide for the systematic measure-  
21 ment of performance, including the ability to  
22 produce timely, relevant, and reliable cost infor-  
23 mation.

24 (c) COMPOSITION OF TRANSITION PLAN.—The tran-  
25 sition plan developed under subsection (a) shall contain

1 specific time-phased milestones for modifying or elimi-  
2 nating existing systems and for acquiring new systems  
3 necessary to implement the proposed enterprise architec-  
4 ture.

5 (d) EXPENDITURES FOR IMPLEMENTATION.—The  
6 Secretary of Defense may not obligate more than  
7 \$1,000,000 for a defense financial system improvement on  
8 or after the enterprise architecture approval date unless  
9 the Financial Management Modernization Executive Com-  
10 mittee determines that the defense financial system im-  
11 provement is consistent with the proposed enterprise ar-  
12 chitecture and transition plan.

13 (e) EXPENDITURES PENDING ARCHITECTURE AP-  
14 PROVAL.—The Secretary of Defense may not obligate  
15 more than \$1,000,000 for a defense financial system im-  
16 provement during the enterprise architecture pre-approval  
17 period unless the Financial Management Modernization  
18 Executive Committee determines that the defense finan-  
19 cial system improvement is necessary—

20 (1) to achieve a critical national security capa-  
21 bility or address a critical requirement in an area  
22 such as safety or security; or

23 (2) to prevent a significant adverse effect (in  
24 terms of a technical matter, cost, or schedule) on a  
25 project that is needed to achieve an essential capa-



1        bility, taking into consideration in the determination  
2        the alternative solutions for preventing the adverse  
3        effect.

4        (f) COMPTROLLER GENERAL REVIEW.—Not later  
5        than March 1 of each of 2003, 2004, and 2005, the Comp-  
6        troller General shall submit to the congressional defense  
7        committees a report on defense financial management sys-  
8        tem improvements that have been undertaken during the  
9        previous year. The report shall include the Comptroller  
10       General’s assessment of the extent to which the improve-  
11       ments comply with the requirements of this section.

12       (g) DEFINITIONS.—In this section:

13            (1) The term “defense financial system  
14        improvement”—

15                    (A) means the acquisition of a new budg-  
16        etary, accounting, finance, or data feeder sys-  
17        tem for the Department of Defense, or a modi-  
18        fication of an existing budgetary, accounting, fi-  
19        nance, or data feeder system of the Department  
20        of Defense; and

21                    (B) does not include routine maintenance  
22        and operation of any such system.

23            (2) The term “enterprise architecture approval  
24        date” means the date on which the Secretary of De-  
25        fense approves a proposed financial management en-

1       enterprise architecture and a transition plan that sat-  
2       isfy the requirements of this section.

3           (3) The term “enterprise architecture pre-ap-  
4       proval period” means the period beginning on the  
5       date of the enactment of this Act and ending on the  
6       day before the enterprise architecture approval date.

7           (4) The term “feeder system” means a data  
8       feeder system within the meaning of section  
9       2222(c)(2) of title 10, United States Code.

10          (5) The term “Financial Management Mod-  
11       ernization Executive Committee” means the Finan-  
12       cial Management Modernization Executive Com-  
13       mittee established pursuant to section 185 of title  
14       10, United States Code.

15       **SEC. 1007. DEPARTMENTAL ACCOUNTABLE OFFICIALS IN**  
16                               **THE DEPARTMENT OF DEFENSE.**

17       (a) DESIGNATION AND ACCOUNTABILITY.—Chapter  
18       165 of title 10, United States Code, is amended by insert-  
19       ing after section 2773 the following new section:

20       **“§ 2773a. Departmental accountable officials**

21           “(a) DESIGNATION.—The Secretary of Defense may  
22       designate, in writing, as a departmental accountable offi-  
23       cial any employee of the Department of Defense or any  
24       member of the armed forces who—

1           “(1) has a duty to provide a certifying official  
2       of the Department of Defense with information,  
3       data, or services directly relied upon by the certi-  
4       fying official in the certification of vouchers for pay-  
5       ment; and

6           “(1) is not otherwise accountable under subtitle  
7       III of title 31 or any other provision of law for pay-  
8       ments made on the basis of the vouchers.

9       “(b) PECUNIARY LIABILITY.—(1) The Secretary of  
10   Defense may, in a designation of a departmental account-  
11   able official under subsection (a), subject that official to  
12   pecuniary liability, in the same manner and to the same  
13   extent as an official accountable under subtitle III of title  
14   31, for an illegal, improper, or incorrect payment made  
15   pursuant to a voucher certified by a certifying official of  
16   the Department of Defense on the basis of information,  
17   data, or services that—

18           “(A) the departmental accountable official pro-  
19       vides to the certifying official in the performance of  
20       a duty described in subsection (a)(1); and

21           “(B) the certifying official directly relies upon  
22       in certifying the voucher.

23       “(2) Any pecuniary liability imposed on a depart-  
24   mental accountable official under this subsection for a loss  
25   to the United States resulting from an illegal, improper,

1 or incorrect payment shall be joint and several with that  
 2 of any other employee or employees of the United States  
 3 or member or members of the uniformed services who are  
 4 pecuniarily liable for the loss.

5 “(c) RELIEF FROM PECUNIARY LIABILITY.—The  
 6 Secretary of Defense shall relieve a departmental account-  
 7 able official from pecuniary liability imposed under sub-  
 8 section (b) in the case of a payment if the Secretary deter-  
 9 mines that the payment was not a result of fault or neg-  
 10 ligence on the part of the departmental accountable offi-  
 11 cial.

12 “(d) CERTIFYING OFFICIAL DEFINED.—In this sec-  
 13 tion, the term ‘certifying official’ means an employee who  
 14 has the responsibilities specified in section 3528(a) of title  
 15 31.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of such chapter is amended by inserting  
 18 after the item relating to section 2773 the following new  
 19 item:

“2773a. Departmental accountable officials.”.

20 **SEC. 1008. DEPARTMENT-WIDE PROCEDURES FOR ESTAB-**  
 21 **LISHING AND LIQUIDATING PERSONAL PECU-**  
 22 **NIARY LIABILITY.**

23 (a) REPORT OF SURVEY PROCEDURES.—(1) Chapter  
 24 165 of title 10, United States Code, is amended by insert-  
 25 ing after section 2786 the following new section:

1   **“§ 2787. Reports of survey**

2           “(a) REGULATIONS.—Under regulations prescribed  
3 pursuant to subsection (c), any officer of the armed forces  
4 or any civilian employee of the Department of Defense  
5 designated in accordance with the regulations may act  
6 upon reports of survey and vouchers pertaining to the loss,  
7 spoilage, unserviceability, unsuitability, or destruction of,  
8 or damage to, property of the United States under the  
9 control of the Department of Defense.

10          “(b) FINALITY OF ACTION.—(1) Action taken under  
11 subsection (a) is final except as provided in paragraph (2).

12          “(2) An action holding a person pecuniarily liable for  
13 loss, spoilage, destruction, or damage is not final until ap-  
14 proved by a person designated to do so by the Secretary  
15 of a military department, commander of a combatant com-  
16 mand, or Director of a Defense Agency, as the case may  
17 be, who has jurisdiction of the person held pecuniarily lia-  
18 ble. The person designated to provide final approval shall  
19 be an officer of an armed force, or a civilian employee,  
20 under the jurisdiction of the official making the designa-  
21 tion.

22          “(c) REGULATIONS.—The Secretary of Defense shall  
23 prescribe regulations to carry out this section.”.

1       (2) The table of sections at the beginning of chapter  
 2 165 of such title is amended by inserting after the item  
 3 relating to section 2786 the following new item:

“2787. Reports of survey.”.

4       (b) DAMAGE OR REPAIR OF ARMS AND EQUIP-  
 5 MENT.—Section 1007(e) of title 37, United States Code,  
 6 is amended by striking “Army or the Air Force” and in-  
 7 serting “Army, Navy, Air Force, or Marine Corps”.

8       (c) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sec-  
 9 tions 4835 and 9835 of title 10, United States Code, are  
 10 repealed.

11       (2) The tables of sections at the beginning of chap-  
 12 ters 453 and 953 of such title are amended by striking  
 13 the items relating to sections 4835 and 9835, respectively.

14 **SEC. 1009. TRAVEL CARD PROGRAM INTEGRITY.**

15       (a) AUTHORITY.—Section 2784 of title 10, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing new subsections:

18       “(d) DISBURSEMENT OF ALLOWANCES DIRECTLY TO  
 19 CREDITORS.—(1) The Secretary of Defense may require  
 20 that any part of the travel or transportation allowances  
 21 of an employee of the Department of Defense or a member  
 22 of the armed forces be disbursed directly to the issuer of  
 23 a Defense travel card if the amount is disbursed to the  
 24 issuer in payment of amounts of expenses of official travel

1 that are charged by the employee or member on the De-  
2 fense travel card.

3 “(2) For the purposes of this subsection, the travel  
4 and transportation allowances referred to in paragraph (1)  
5 are amounts to which an employee of the Department of  
6 Defense is entitled under section 5702 of title 5 and or  
7 a member of the armed forces is entitled section 404 of  
8 title 37.

9 “(e) OFFSETS FOR DELINQUENT TRAVEL CARD  
10 CHARGES.—(1) The Secretary of Defense may require  
11 that there be deducted and withheld from any pay payable  
12 to an employee of the Department of Defense or a member  
13 of the armed forces any amount that is owed by the em-  
14 ployee or member to a creditor by reason of one or more  
15 charges of expenses of official travel of the employee or  
16 member on a Defense travel card issued by the creditor  
17 if the employee or member—

18 “(A) is delinquent in the payment of such  
19 amount under the terms of the contract under which  
20 the card is issued; and

21 “(B) does not dispute the amount of the delin-  
22 quency.

23 “(2) The amount deducted and withheld from pay  
24 under paragraph (1) with respect to a debt owed a creditor

1 as described in that paragraph shall be disbursed to the  
2 creditor to reduce the amount of the debt.

3 “(3) The amount of pay deducted and withheld from  
4 the pay owed to an employee or member with respect to  
5 a pay period under paragraph (1) may not exceed 15 per-  
6 cent of the disposable pay of the employee or member for  
7 that pay period, except that a higher amount may be de-  
8 ducted and withheld with the written consent of the em-  
9 ployee or member.

10 “(4) The Secretary of Defense shall prescribe proce-  
11 dures for deducting and withholding amounts from pay  
12 under this subsection. The procedures shall be substan-  
13 tially equivalent to the procedures under section 3716 of  
14 title 31.

15 “(f) UNDER SECRETARY OF DEFENSE (COMP-  
16 TROLLER).—The Secretary of Defense shall act through  
17 the Under Secretary of Defense (Comptroller) in carrying  
18 out this section.

19 “(g) DEFINITIONS.—In this section:

20 “(1) The term ‘Defense travel card’ means a  
21 charge or credit card that—

22 “(A) is issued to an employee of the De-  
23 partment of Defense or a member of the armed  
24 forces under a contract entered into by the De-



1           partment of Defense and the issuer of the card;  
2           and

3           “(B) is to be used for charging expenses  
4           incurred by the employee or member in connec-  
5           tion with official travel.

6           “(2) The term ‘disposable pay’, with respect to  
7           a pay period, means the amount equal to the excess  
8           of the amount of basic pay payable for the pay pe-  
9           riod over the total of the amounts deducted and  
10          withheld from such pay.”.

11          (b) CONFORMING AMENDMENT.—Subsection (a) of  
12          such section is amended by striking “, acting through the  
13          Under Secretary of Defense (Comptroller),”.

## 14           **Subtitle B—Naval Vessels and** 15           **Shipyards**

### 16          **SEC. 1021. NUMBER OF NAVY SURFACE COMBATANTS IN** 17           **ACTIVE AND RESERVE SERVICE.**

18          (a) CONTINGENT REQUIREMENT FOR REPORT.—If,  
19          on the date of the enactment of this Act, the total number  
20          of Navy ships comprising the force of surface combatants  
21          is less than 116, the Secretary of the Navy shall submit  
22          a report on the size of that force to the Committees on  
23          Armed Services of the Senate and the House of Represent-  
24          atives. The report shall be submitted not later than 90  
25          days after such date and shall include a risk assessment

1 for such force that is based on the same assumptions as  
2 those that were applied in the QDR 2001 current force  
3 risk assessment.

4 (b) LIMITATION ON REDUCTION.—The force of sur-  
5 face combatants may not be reduced at any time after the  
6 date of the enactment of this Act from a number of ships  
7 (whether above, equal to, or below 116) to a number of  
8 ships below 116 before the date that is 90 days after the  
9 date on which the Secretary of the Navy submits to the  
10 committees referred to in subsection (a) a written notifica-  
11 tion of the reduction. The notification shall include the  
12 following information:

13 (1) The schedule for the reduction.

14 (2) The number of ships that are to comprise  
15 the reduced force of surface combatants.

16 (3) A risk assessment for the reduced force that  
17 is based on the same assumptions as those that were  
18 applied in the QDR 2001 current force risk assess-  
19 ment.

20 (c) PRESERVATION OF SURGE CAPABILITY.—When-  
21 ever the total number of Navy ships comprising the force  
22 of surface combatants is less than 116, the Secretary of  
23 the Navy shall maintain on the Naval Vessel Register a  
24 sufficient number of surface combatant ships to enable the  
25 Navy to regain a total force of 116 surface combatant

1 ships in active and reserve service in the Navy within 120  
2 days after the President decides to increase the force of  
3 surface combatants.

4 (d) DEFINITIONS.—In this section:

5 (1) The term “force of surface combatants”  
6 means the surface combatant ships in active and re-  
7 serve service in the Navy.

8 (2) The term “QDR 2001 current force risk as-  
9 sessment” means the risk assessment associated  
10 with a force of 116 surface combatant ships in ac-  
11 tive and reserve service in the Navy that is set forth  
12 in the report on the quadrennial defense review sub-  
13 mitted to Congress on September 30, 2001, under  
14 section 118 of title 10, United States Code.

15 **SEC. 1022. PLAN FOR FIELDING THE 155-MILLIMETER GUN**  
16 **ON A SURFACE COMBATANT.**

17 (a) REQUIREMENT FOR PLAN.—The Secretary of the  
18 Navy shall submit to Congress a plan for fielding the 155-  
19 millimeter gun on one surface combatant ship in active  
20 service in the Navy. The Secretary shall submit the plan  
21 at the same time that the President submits the budget  
22 for fiscal year 2004 to Congress under section 1105(a)  
23 of title 31, United States Code.

24 (b) FIELDING ON EXPEDITED SCHEDULE.—The plan  
25 shall provide for fielding the 155-millimeter gun on an ex-

1 pedited schedule that is consistent with the achievement  
2 of safety of operation and fire support capabilities meeting  
3 the fire support requirements of the Marine Corps, but  
4 not later than October 1, 2006.

5 **SEC. 1023. REPORT ON INITIATIVES TO INCREASE OPER-**  
6 **ATIONAL DAYS OF NAVY SHIPS.**

7 (a) REQUIREMENT FOR REPORT ON INITIATIVES.—

8 (1) The Under Secretary of Defense for Acquisition, Tech-  
9 nology, and Logistics shall submit to the Committees on  
10 Armed Services of the Senate and the House of Represent-  
11 atives a report on Department of Defense initiatives to  
12 increase the number of operational days of Navy ships as  
13 described in subsection (b).

14 (2) The report shall cover the ongoing Department  
15 of Defense initiatives as well as potential initiatives that  
16 are under consideration within the Department of De-  
17 fense.

18 (b) INITIATIVES WITHIN LIMITS OF EXISTING  
19 FLEET AND DEPLOYMENT POLICY.—The Under Sec-  
20 retary shall, in the report, assess the feasibility and iden-  
21 tify the projected effects of conducting initiatives that  
22 have the potential to increase the number of operational  
23 days of Navy ships available to the commanders-in-chief  
24 of the regional unified combatant commands without in-  
25 creasing the number of Navy ships and without increasing

1 the routine lengths of deployments of Navy ships above  
2 six months.

3 (c) REQUIRED FOCUS AREAS.—The report shall, at  
4 a minimum, address the following four focus areas:

5 (1) Assignment of additional ships, including  
6 submarines, to home ports closer to the areas of op-  
7 eration for the ships (known as “forward home-  
8 porting”).

9 (2) Assignment of ships to remain in a forward  
10 area of operations, together with rotation of crews  
11 for each ship so assigned.

12 (3) Retention of ships for use until the end of  
13 the full service life, together with investment of the  
14 funds necessary to support retention to that extent.

15 (4) Prepositioning of additional ships with,  
16 under normal circumstances, small crews in a for-  
17 ward area of operations.

18 (d) TIME FOR SUBMITTAL.—The report shall be sub-  
19 mitted at the same time that the President submits the  
20 budget for fiscal year 2004 to Congress under section  
21 1105(a) of title 31, United States Code.

## **Subtitle C—Reporting Requirements**

### **SEC. 1031. REPEAL AND MODIFICATION OF VARIOUS RE- PORTING REQUIREMENTS APPLICABLE WITH RESPECT TO THE DEPARTMENT OF DEFENSE.**

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 183 is repealed.

(B) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 183.

(2)(A) Sections 226 and 230 are repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the items relating to sections 226 and 230.

(3) Effective two years after the date of the enactment of this Act—

(A) section 483 is repealed; and

(B) the table of sections at the beginning of chapter 23 is amended by striking the item relating to section 483.

(4) Section 526 is amended by striking subsection (c).

(5) Section 721(d) is amended—

(A) by striking paragraph (2); and

1 (B) by striking “(1)” before “If an offi-  
2 cer”.

3 (6) Section 1095(g) is amended—

4 (A) by striking paragraph (2); and

5 (B) by striking “(1)” after “(g)”.

6 (7) Section 1798 is amended by striking sub-  
7 section (d).

8 (8) Section 1799 is amended by striking sub-  
9 section (d).

10 (9) Section 2220 is amended—

11 (A) by striking subsections (b) and (c);

12 (B) by striking “(1)” after “ESTABLISH-  
13 MENT OF GOALS.—”; and

14 (C) by striking “(2) The” and inserting  
15 “(b) EVALUATION OF COST GOALS.—The”.

16 (10) Section 2350a(g) is amended by striking  
17 paragraph (4).

18 (11) Section 2350f is amended by striking sub-  
19 section (c).

20 (12) Section 2350k is amended by striking sub-  
21 section (d).

22 (13) Section 2367(d) is amended by striking  
23 “EFFORT.—(1) In the” and all that follows through  
24 “(2) After the close of” and inserting “EFFORT.—  
25 After the close of”.

1           (14) Section 2391 is amended by striking sub-  
2       section (c).

3           (15) Section 2486(b)(12) is amended by strik-  
4       ing “, except that” and all that follows and inserting  
5       the following: “, except that the Secretary shall no-  
6       tify Congress of any addition of, or change in, a  
7       merchandise category under this paragraph.”.

8           (16) Section 2492 is amended by striking sub-  
9       section (c) and inserting the following:

10       “(c) NOTIFICATION OF CONDITIONS NECESSITATING  
11       RESTRICTIONS.—The Secretary of Defense shall notify  
12       Congress of any change proposed or made to any of the  
13       host nation laws or any of the treaty obligations of the  
14       United States, and any changed conditions within host na-  
15       tions, if the change would necessitate the use of quantity  
16       or other restrictions on purchases in commissary and ex-  
17       change stores located outside the United States.”.

18           (17)(A) Section 2504 is repealed.

19           (B) The table of sections at the beginning of  
20       subchapter II of chapter 148 is amended by striking  
21       the item relating to section 2504.

22           (18) Section 2506—

23               (A) is amended by striking subsection (b);  
24       and



1 (B) by striking “(a) DEPARTMENTAL  
2 GUIDANCE.—”.

3 (19) Section 2537(a) is amended by striking  
4 “\$100,000” and inserting “\$10,000,000”.

5 (20) Section 2611 is amended by striking sub-  
6 section (e).

7 (21) Section 2667(d) is amended by striking  
8 paragraph (3).

9 (22) Section 2813 is amended by striking sub-  
10 section (c).

11 (23) Section 2827 is amended—

12 (A) by striking subsection (b); and

13 (B) by striking “(a) Subject to subsection  
14 (b), the Secretary” and inserting “The Sec-  
15 retary”.

16 (24) Section 2867 is amended by striking sub-  
17 section (c).

18 (25) Section 4416 is amended by striking sub-  
19 section (f).

20 (26) Section 5721(f) is amended—

21 (A) by striking paragraph (2); and

22 (B) by striking “(1)” after the subsection  
23 heading.

24 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
25 FISCAL YEAR 1995.—Section 553(b) of the National De-

1 fense Authorization Act for Fiscal Year 1995 (Public Law  
 2 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amend-  
 3 ed by striking the last sentence.

4 (c) BALLISTIC MISSILE DEFENSE ACT OF 1995.—  
 5 Section 234 of the Ballistic Missile Defense Act of 1995  
 6 (subtitle C of title II of Public Law 104–106; 10 U.S.C.  
 7 2431 note) is amended by striking subsection (f).

8 **SEC. 1032. ANNUAL REPORT ON WEAPONS TO DEFEAT**  
 9 **HARDENED AND DEEPLY BURIED TARGETS.**

10 (a) ANNUAL REPORT.—Not later than April 1, 2003,  
 11 and each year thereafter, the Secretary of Defense, Sec-  
 12 retary of Energy, and Director of Central Intelligence  
 13 shall jointly submit to the congressional defense commit-  
 14 tees a report on the research and development activities  
 15 undertaken by their respective agencies during the pre-  
 16 ceding fiscal year to develop a weapon to defeat hardened  
 17 and deeply buried targets.

18 (b) REPORT ELEMENTS.—The report for a fiscal  
 19 year under subsection (a) shall—

20 (1) include a discussion of the integration and  
 21 interoperability of the various programs to develop a  
 22 weapon referred to in that subsection that were un-  
 23 dertaken during such fiscal year, including a discus-  
 24 sion of the relevance of such programs to applicable

1 decisions of the Joint Requirements Oversight Coun-  
 2 cil; and

3 (2) set forth separately a description of the re-  
 4 search and development activities, if any, to develop  
 5 a weapon referred to in that subsection that were  
 6 undertaken during such fiscal year by each military  
 7 department, the Department of Energy, and the  
 8 Central Intelligence Agency.

9 **SEC. 1033. REVISION OF DATE OF ANNUAL REPORT ON**  
 10 **COUNTERPROLIFERATION ACTIVITIES AND**  
 11 **PROGRAMS.**

12 Section 1503(a) of the National Defense Authoriza-  
 13 tion Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is  
 14 amended by striking “February 1 of each year” and in-  
 15 serting “May 1 each year”.

16 **SEC. 1034. QUADRENNIAL QUALITY OF LIFE REVIEW.**

17 (a) REQUIREMENT FOR REVIEW.—Chapter 23 of title  
 18 10, United States Code, is amended by adding at the end  
 19 the following new section:

20 **“§ 488. Quadrennial quality of life review**

21 **“(a) REVIEW REQUIRED.—(1) The Secretary of De-**  
 22 **fense shall every four years, two years after the submission**  
 23 **of the quadrennial defense review to Congress under sec-**  
 24 **tion 118 of this title, conduct a comprehensive examina-**  
 25 **tion of the quality of life of the members of the armed**

1 forces (to be known as the ‘quadrennial quality of life re-  
2 view’). The review shall include examination of the pro-  
3 grams, projects, and activities of the Department of De-  
4 fense, including the morale, welfare, and recreation activi-  
5 ties.

6 “(2) The quadrennial review shall be designed to re-  
7 sult in determinations, and to foster policies and actions,  
8 that reflect the priority given the quality of life of mem-  
9 bers of the armed forces as a primary concern of the De-  
10 partment of Defense leadership.

11 “(b) CONDUCT OF REVIEW.—Each quadrennial qual-  
12 ity of life review shall be conducted so as—

13 “(1) to assess quality of life priorities and  
14 issues consistent with the most recent National Se-  
15 curity Strategy prescribed by the President pursuant  
16 to section 108 of the National Security Act of 1947  
17 (50 U.S.C. 404a);

18 “(2) to identify actions that are needed in order  
19 to provide members of the armed forces with the  
20 quality of life reasonably necessary to encourage the  
21 successful execution of the full range of missions  
22 that the members are called on to perform under the  
23 national security strategy;

24 “(3) to provide a full accounting of the backlog  
25 of installations in need of maintenance and repair,

1 to determine how the disrepair affects performance  
2 and quality of life of members and their families,  
3 and to identify the budget plan that would be re-  
4 quired to provide the resources necessary to remedy  
5 the backlog of maintenance and repair; and

6 “(4) to identify other actions that have the po-  
7 tential for improving the quality of life of the mem-  
8 bers of the armed forces.

9 “(c) CONSIDERATIONS.—Among the matters consid-  
10 ered by the Secretary in conducting the quadrennial re-  
11 view, the Secretary shall include the following matters:

12 “(1) Infrastructure.

13 “(2) Military construction.

14 “(3) Physical conditions at military installations  
15 and other Department of Defense facilities.

16 “(4) Budget plans.

17 “(5) Adequacy of medical care for members of  
18 the armed forces and their dependents.

19 “(6) Adequacy of housing and the basic allow-  
20 ance for housing and basic allowance for subsistence.

21 “(7) Housing-related utility costs.

22 “(8) Educational opportunities and costs.

23 “(9) Length of deployments.

24 “(10) Rates of pay, and pay differentials be-  
25 tween the pay of members and the pay of civilians.

1           “(11) Retention and recruiting efforts.

2           “(12) Workplace safety.

3           “(13) Support services for spouses and chil-  
4       dren.

5           “(14) Other elements of Department of Defense  
6       programs and Federal Government policies and pro-  
7       grams that affect the quality of life of members.

8       “(d) SUBMISSION OF QQLR TO CONGRESSIONAL  
9       COMMITTEES.—The Secretary shall submit a report on  
10      each quadrennial quality of life review to the Committees  
11      on Armed Services of the Senate and the House of Rep-  
12      resentatives. The report shall be submitted not later than  
13      September 30 of the year in which the review is conducted.  
14      The report shall include the following:

15           “(1) The results of the review, including a com-  
16      prehensive discussion of how the quality of life of  
17      members of the armed forces affects the national se-  
18      curity strategy of the United States.

19           “(2) The long-term quality of life problems of  
20      the armed forces, together with proposed solutions.

21           “(3) The short-term quality of life problems of  
22      the armed forces, together with proposed solutions.

23           “(4) The assumptions used in the review.

24           “(5) The effects of quality of life problems on  
25      the morale of the members of the armed forces.

1 “(6) The quality of life problems that affect the  
2 morale of members of the reserve components in  
3 particular, together with solutions.

4 “(7) The effects of quality of life problems on  
5 military preparedness and readiness.

6 “(8) The appropriate ratio of—

7 “(A) the total amount expended by the De-  
8 partment of Defense in a fiscal year for pro-  
9 grams, projects, and activities designed to im-  
10 prove the quality of life of members of the  
11 armed forces, to

12 “(B) the total amount expended by the De-  
13 partment of Defense in the fiscal year.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of such chapter is amended by adding  
16 at the end the following new item:

“488. Quadrennial quality of life review.”.

## 17 **Subtitle D—Homeland Defense**

### 18 **SEC. 1041. HOMELAND SECURITY ACTIVITIES OF THE NA-** 19 **TIONAL GUARD.**

20 (a) AUTHORITY.—Chapter 1 of title 32, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing new section:

#### 23 **“§ 116. Homeland security activities**

24 “(a) USE OF PERSONNEL PERFORMING FULL-TIME  
25 NATIONAL GUARD DUTY.—The Governor of a State may,

1 upon the request by the head of a Federal law enforcement  
2 agency and with the concurrence of the Secretary of De-  
3 fense, order any personnel of the National Guard of the  
4 State to perform full-time National Guard duty under sec-  
5 tion 502(f) of this title for the purpose of carrying out  
6 homeland security activities, as described in subsection  
7 (b).

8 “(b) PURPOSE AND DURATION.—(1) The purpose for  
9 the use of personnel of the National Guard of a State  
10 under this section is to temporarily provide trained and  
11 disciplined personnel to a Federal law enforcement agency  
12 to assist that agency in carrying out homeland security  
13 activities until that agency is able to recruit and train a  
14 sufficient force of Federal employees to perform the home-  
15 land security activities.

16 “(2) The duration of the use of the National Guard  
17 of a State under this section shall be limited to a period  
18 of 179 days. The Governor of the State may, with the con-  
19 currence of the Secretary of Defense, extend the period  
20 one time for an additional 90 days to meet extraordinary  
21 circumstances.

22 “(c) RELATIONSHIP TO REQUIRED TRAINING.—A  
23 member of the National Guard serving on full-time Na-  
24 tional Guard duty under orders authorized under sub-  
25 section (a) shall participate in the training required under



1 section 502(a) of this title in addition to the duty per-  
2 formed for the purpose authorized under that subsection.  
3 The pay, allowances, and other benefits of the member  
4 while participating in the training shall be the same as  
5 those to which the member is entitled while performing  
6 duty for the purpose of carrying out homeland security  
7 activities. The member is not entitled to additional pay,  
8 allowances, or other benefits for participation in training  
9 required under section 502(a)(1) of this title.

10 “(d) READINESS.—To ensure that the use of units  
11 and personnel of the National Guard of a State for home-  
12 land security activities does not degrade the training and  
13 readiness of such units and personnel, the following re-  
14 quirements shall apply in determining the homeland secu-  
15 rity activities that units and personnel of the National  
16 Guard of a State may perform:

17 “(1) The performance of the activities may not  
18 adversely affect the quality of that training or other-  
19 wise interfere with the ability of a member or unit  
20 of the National Guard to perform the military func-  
21 tions of the member or unit.

22 “(2) National Guard personnel will not degrade  
23 their military skills as a result of performing the ac-  
24 tivities.

1           “(3) The performance of the activities will not  
2           result in a significant increase in the cost of train-  
3           ing.

4           “(4) In the case of homeland security per-  
5           formed by a unit organized to serve as a unit, the  
6           activities will support valid unit training require-  
7           ments.

8           “(e) PAYMENT OF COSTS.—(1) The Secretary of De-  
9           fense shall provide funds to the Governor of a State to  
10          pay costs of the use of personnel of the National Guard  
11          of the State for the performance of homeland security ac-  
12          tivities under this section. Such funds shall be used for  
13          the following costs:

14               “(A) The pay, allowances, clothing, subsistence,  
15               gratuities, travel, and related expenses (including all  
16               associated training expenses, as determined by the  
17               Secretary), as authorized by State law, of personnel  
18               of the National Guard of that State used, while not  
19               in Federal service, for the purpose of homeland secu-  
20               rity activities.

21               “(B) The operation and maintenance of the  
22               equipment and facilities of the National Guard of  
23               that State used for the purpose of homeland security  
24               activities.

1       “(2) The Secretary of Defense shall require the head  
2 of a law enforcement agency receiving support from the  
3 National Guard of a State in the performance of homeland  
4 security activities under this section to reimburse the De-  
5 partment of Defense for the payments made to the State  
6 for such support under paragraph (1).

7       “(f) MEMORANDUM OF AGREEMENT.—The Secretary  
8 of Defense and the Governor of a State shall enter into  
9 a memorandum of agreement with the head of each Fed-  
10 eral law enforcement agency to which the personnel of the  
11 National Guard of that State are to provide support in  
12 the performance of homeland security activities under this  
13 section. The memorandum of agreement shall—

14           “(1) specify how personnel of the National  
15 Guard are to be used in homeland security activities;

16           “(2) include a certification by the Adjutant  
17 General of the State that those activities are to be  
18 performed at a time when the personnel are not in  
19 Federal service;

20           “(3) include a certification by the Adjutant  
21 General of the State that—

22                   “(A) participation by National Guard per-  
23 sonnel in those activities is service in addition  
24 to training required under section 502 of this  
25 title; and

1                   “(B) the requirements of subsection (d) of  
2                   this section will be satisfied;

3                   “(4) include a certification by the Attorney  
4                   General of the State (or, in the case of a State with  
5                   no position of Attorney General, a civilian official of  
6                   the State equivalent to a State attorney general),  
7                   that the use of the National Guard of the State for  
8                   the activities provided for under the memorandum of  
9                   agreement is authorized by, and is consistent with,  
10                  State law;

11                  “(5) include a certification by the Governor of  
12                  the State or a civilian law enforcement official of the  
13                  State designated by the Governor that the activities  
14                  provided for under the memorandum of agreement  
15                  serve a State law enforcement purpose; and

16                  “(6) include a certification by the head of the  
17                  Federal law enforcement agency that the agency will  
18                  have a plan to ensure that the agency’s requirement  
19                  for National Guard support ends not later than 179  
20                  days after the commencement of the support.

21                  “(g) EXCLUSION FROM END-STRENGTH COMPUTA-  
22                  TION.—Notwithstanding any other provision of law, mem-  
23                  bers of the National Guard on active duty or full-time Na-  
24                  tional Guard duty for the purposes of administering (or  
25                  during fiscal year 2003 otherwise implementing) this sec-

1 tion shall not be counted toward the annual end strength  
 2 authorized for reserves on active duty in support of the  
 3 reserve components of the armed forces or toward the  
 4 strengths authorized in sections 12011 and 12012 of title  
 5 10.

6 “(h) ANNUAL REPORT.—The Secretary of Defense  
 7 shall submit to Congress an annual report regarding any  
 8 assistance provided and activities carried out under this  
 9 section during the preceding fiscal year. The report shall  
 10 include the following:

11 “(1) The number of members of the National  
 12 Guard excluded under subsection (g) from the com-  
 13 putation of end strengths.

14 “(2) A description of the homeland security ac-  
 15 tivities conducted with funds provided under this  
 16 section.

17 “(3) An accounting of the amount of funds pro-  
 18 vided to each State.

19 “(4) A description of the effect on military  
 20 training and readiness of using units and personnel  
 21 of the National Guard to perform homeland security  
 22 activities under this section.

23 “(i) STATUTORY CONSTRUCTION.—Nothing in this  
 24 section shall be construed as a limitation on the authority  
 25 of any unit of the National Guard of a State, when such

1 unit is not in Federal service, to perform law enforcement  
 2 functions authorized to be performed by the National  
 3 Guard by the laws of the State concerned.

4 “(j) DEFINITIONS.—For purposes of this section:

5 “(1) The term ‘Governor of a State’ means, in  
 6 the case of the District of Columbia, the Com-  
 7 manding General of the National Guard of the Dis-  
 8 trict of Columbia.

9 “(2) The term ‘State’ means each of the several  
 10 States, the District of Columbia, the Commonwealth  
 11 of Puerto Rico, or a territory or possession of the  
 12 United States.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
 14 at the beginning of such section is amended by adding at  
 15 the end the following new item:

“116. Homeland security activities.”.

16 **SEC. 1042. CONDITIONS FOR USE OF FULL-TIME RESERVES**  
 17 **TO PERFORM DUTIES RELATING TO DEFENSE**  
 18 **AGAINST WEAPONS OF MASS DESTRUCTION.**

19 Section 12310(c)(3) of title 10, United States Code,  
 20 is amended by striking “only—” and all that follows  
 21 through “(B) while assigned” and inserting “only while  
 22 assigned”.

1 **SEC. 1043. WEAPON OF MASS DESTRUCTION DEFINED FOR**  
2 **PURPOSES OF THE AUTHORITY FOR USE OF**  
3 **RESERVES TO PERFORM DUTIES RELATING**  
4 **TO DEFENSE AGAINST WEAPONS OF MASS**  
5 **DESTRUCTION.**

6 (a) WEAPON OF MASS DESTRUCTION REDEFINED.—  
7 Section 12304(i)(2) of title 10, United States Code, is  
8 amended to read as follows:

9 “(2) The term ‘weapon of mass destruction’  
10 means—

11 “(A) any weapon that is designed or,  
12 through its use, is intended to cause death or  
13 serious bodily injury through the release, dis-  
14 semination, or impact of toxic or poisonous  
15 chemicals or their precursors;

16 “(B) any weapon that involves a disease  
17 organism;

18 “(C) any weapon that is designed to re-  
19 lease radiation or radioactivity at a level dan-  
20 gerous to human life; and

21 “(D) any large conventional explosive that  
22 is designed to produce catastrophic loss of life  
23 or property.”.

24 (b) CONFORMING AMENDMENT.—Section  
25 12310(c)(1) of such title is amended by striking “section  
26 1403 of the Defense Against Weapons of Mass Destruc-

tion Act of 1996 (50 U.S.C. 2302(1))” and inserting “section 12304(i)(2) of this title”.

**SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE HOMELAND DEFENSE ACTIVITIES.**

(a) REPORT REQUIRED.—Not later than February 1, 2003, the Secretary of Defense shall submit to the congressional defense committees a report on what actions of the Department of Defense would be necessary to carry out the Secretary’s expressed intent—

(1) to place new emphasis on the unique operational demands associated with the defense of the United States homeland; and

(2) to restore the mission of defense of the United States to the position of being the primary mission of the Department of Defense.

(b) CONTENT OF THE REPORT.—The report shall contain, in accordance with the other provisions of this section, the following matters:

(1) HOMELAND DEFENSE CAMPAIGN PLAN.—A homeland defense campaign plan.

(2) INTELLIGENCE.—A discussion of the relationship between—

(A) the intelligence capabilities of—

(i) the Department of Defense; and



1 (ii) other departments and agencies of  
2 the United States; and

3 (B) the performance of the homeland de-  
4 fense mission.

5 (3) THREAT AND VULNERABILITY ASSESS-  
6 MENT.—A compliance-based national threat and vul-  
7 nerability assessment.

8 (4) TRAINING AND EXERCISING.—A discussion  
9 of the Department of Defense plans for training and  
10 exercising for the performance of the homeland de-  
11 fense mission.

12 (5) BIOTERRORISM INITIATIVE.—An evaluation  
13 of the need for a Department of Defense bioter-  
14 rorism initiative to improve the ability of the depart-  
15 ment to counter bioterror threats and to assist other  
16 agencies to improve the national ability to counter  
17 bioterror threats.

18 (6) CHEMICAL BIOLOGICAL INCIDENT RE-  
19 SPONSE TEAMS.—An evaluation of the need for and  
20 feasibility of developing and fielding Department of  
21 Defense regional chemical biological incident re-  
22 sponse teams.

23 (7) OTHER MATTERS.—Any other matters that  
24 the Secretary of Defense considers relevant regard-

1 ing the efforts necessary to carry out the intent re-  
2 ferred to in subsection (a).

3 (c) HOMELAND DEFENSE CAMPAIGN PLAN.—

4 (1) ORGANIZATION, PLANNING, AND INTER-  
5 OPERABILITY.—

6 (A) IN GENERAL.—The homeland defense  
7 campaign plan under subsection (b)(1) shall  
8 contain a discussion of the organization and  
9 planning of the Department of Defense for  
10 homeland defense, including the expectations  
11 for interoperability of the Department of De-  
12 fense with other departments and agencies of  
13 the Federal Government and with State and  
14 local governments.

15 (B) CONTENT.—The plan shall include the  
16 following matters:

17 (i) The duties, definitions, missions,  
18 goals, and objectives of organizations in  
19 the Department of Defense that apply  
20 homeland defense, together with an organi-  
21 zational assessment with respect to the  
22 performance of the homeland defense mis-  
23 sion and a discussion of any plans for  
24 making functional realignments of organi-

1           zations, authorities, and responsibilities for  
2           carrying out that mission.

3           (ii) The relationships among the lead-  
4           ers of the organizations (including the Sec-  
5           retary of Defense, the Joint Chiefs of  
6           Staff, the Commander in Chief of United  
7           States Northern Command, the Com-  
8           manders in Chief of the other regional uni-  
9           fied combatant commands, and the reserve  
10          components) in the performance of such  
11          duties.

12          (iii) The reviews, evaluations, and  
13          standards that are established or are to be  
14          established for determining and ensuring  
15          the readiness of the organizations to per-  
16          form such duties.

17          (2) RESPONSE TO ATTACK ON CRITICAL INFRA-  
18          STRUCTURE.—

19           (A) IN GENERAL.—The homeland defense  
20          campaign plan shall contain an outline of the  
21          duties and capabilities of the Department of  
22          Defense for responding to an attack on critical  
23          infrastructure of the United States, including  
24          responding to an attack on critical infrastruc-  
25          ture of the department, by means of a weapon

1 of mass destruction or a CBRNE weapon or by  
2 a cyber means.

3 (B) VARIOUS ATTACK SCENARIOS.—The  
4 outline shall specify, for each major category of  
5 attack by a means described in subparagraph  
6 (A), the variations in the duties, responses, and  
7 capabilities of the various Department of De-  
8 fense organizations that result from the vari-  
9 ations in the means of the attack.

10 (C) DEFICIENCIES.—The outline shall  
11 identify any deficiencies in capabilities and set  
12 forth a plan for rectifying any such deficiencies.

13 (D) LEGAL IMPEDIMENTS.—The outline  
14 shall identify and discuss each impediment in  
15 law to the effective performance of the home-  
16 land defense mission.

17 (3) ROLES AND RESPONSIBILITIES IN INTER-  
18 AGENCY PROCESS.—

19 (A) IN GENERAL.—The homeland defense  
20 campaign plan shall contain a discussion of the  
21 roles and responsibilities of the Department of  
22 Defense in the interagency process of policy-  
23 making and planning for homeland defense.

24 (B) INTEGRATION WITH STATE AND LOCAL  
25 ACTIVITIES.—The homeland defense campaign

1 plan shall include a discussion of Department of  
2 Defense plans to integrate Department of De-  
3 fense homeland defense activities with the  
4 homeland defense activities of other depart-  
5 ments and agencies of the United States and  
6 the homeland defense activities of State and  
7 local governments, particularly with regard to  
8 issues relating to CBRNE and cyber attacks.

9 (d) INTELLIGENCE CAPABILITIES.—The discussion  
10 of the relationship between the intelligence capabilities and  
11 the performance of the homeland defense mission under  
12 subsection (b)(2) shall include the following matters:

13 (1) ROLES AND MISSIONS.—The roles and mis-  
14 sions of the Department of Defense for the employ-  
15 ment of the intelligence capabilities of the depart-  
16 ment in homeland defense.

17 (2) INTERAGENCY RELATIONSHIPS.—A discus-  
18 sion of the relationship between the Department of  
19 Defense and the other departments and agencies of  
20 the United States that have duties for collecting or  
21 analyzing intelligence in relation to homeland de-  
22 fense, particularly in light of the conflicting demands  
23 of duties relating to the collection and analysis of  
24 domestic intelligence and duties relating to the col-  
25 lection and analysis of foreign intelligence.

1           (3) INTELLIGENCE-RELATED CHANGES.—Any  
2 changes that are necessary in the Department of  
3 Defense in order to provide effective intelligence sup-  
4 port for the performance of homeland defense mis-  
5 sions, with respect to—

6           (A) the preparation of threat assessments  
7 and other warning products by the Department  
8 of Defense;

9           (B) collection of terrorism-related intel-  
10 ligence through human intelligence sources, sig-  
11 nals intelligence sources, and other intelligence  
12 sources; and

13          (C) intelligence policy, capabilities, and  
14 practices.

15          (4) LEGAL IMPEDIMENTS.—Any impediments  
16 in law to the effective performance of intelligence  
17 missions in support of homeland defense.

18          (e) THREAT AND VULNERABILITY ASSESSMENT.—

19           (1) CONTENT.—The compliance-based national  
20 threat and vulnerability assessment under subsection  
21 (b)(3) shall include a discussion of the following  
22 matters:

23           (A) CRITICAL FACILITIES.—The threat of  
24 terrorist attack on critical facilities, programs,  
25 and systems of the United States, together with

1 the capabilities of the Department of Defense  
2 to deter and respond to any such attack.

3 (B) DoD VULNERABILITY.—The vulner-  
4 ability of installations, facilities, and personnel  
5 of the Department of Defense to attack by per-  
6 sons using weapons of mass destruction,  
7 CBRNE weapons, or cyber means.

8 (C) BALANCED SURVIVABILITY ASSESS-  
9 MENT.—Plans to conduct a balanced surviv-  
10 ability assessment for use in determining the  
11 vulnerabilities of targets referred to in subpara-  
12 graphs (A) and (B).

13 (D) PROCESS.—Plans, including timelines  
14 and milestones, necessary to develop a process  
15 for conducting compliance-based vulnerability  
16 assessments for critical infrastructure, together  
17 with the standards to be used for ensuring that  
18 the process is executable.

19 (2) DEFINITION OF COMPLIANCE-BASED.—In  
20 subsection (b)(3) and paragraph (1)(D) of this sub-  
21 section, the term “compliance-based”, with respect  
22 to an assessment, means that the assessment is con-  
23 ducted under policies and procedures that require  
24 correction of each deficiency identified in the assess-  
25 ment to a standard set forth in Department of De-

1       fense Instruction 2000.16 or another applicable De-  
2       partment of Defense instruction, directive, or policy.

3       (f) TRAINING AND EXERCISING.—The discussion of  
4       the Department of Defense plans for training and exer-  
5       cising for the performance of the homeland defense mis-  
6       sion under subsection (b)(4) shall contain the following  
7       matters:

8               (1) MILITARY EDUCATION.—The plans for the  
9       training and education of members of the Armed  
10      Forces specifically for performance of homeland de-  
11      fense missions, including any anticipated changes in  
12      the curriculum in—

13               (A) the National Defense University, the  
14      war colleges of the Armed Forces, graduate  
15      education programs, and other senior military  
16      schools and education programs; and

17               (B) the Reserve Officers' Training Corps  
18      program, officer candidate schools, enlisted and  
19      officer basic and advanced individual training  
20      programs, and other entry level military edu-  
21      cation and training programs.

22               (2) EXERCISES.—The plans for using exercises  
23      and simulation in the training of all components of  
24      the Armed Forces, including—



1 (A) plans for integrated training with de-  
2 partments and agencies of the United States  
3 outside the Department of Defense and with  
4 agencies of State and local governments; and

5 (B) plans for developing an opposing force  
6 that, for the purpose of developing potential  
7 scenarios of terrorist attacks on targets inside  
8 the United States, simulates a terrorist group  
9 having the capability to engage in such attacks.

10 (g) BIOTERRORISM INITIATIVE.—The evaluation of  
11 the need for a Department of Defense bioterrorism initia-  
12 tive under subsection (b)(5) shall include a discussion that  
13 identifies and evaluates options for potential action in  
14 such an initiative, as follows:

15 (1) PLANNING, TRAINING, EXERCISE, EVALUA-  
16 TION, AND FUNDING.—Options for—

17 (A) refining the plans of the Department  
18 of Defense for biodefense to include participa-  
19 tion of other departments and agencies of the  
20 United States and State and local governments;

21 (B) increasing biodefense training, exer-  
22 cises, and readiness evaluations by the Depart-  
23 ment of Defense, including training, exercises,  
24 and evaluations that include participation of

1 other departments and agencies of the United  
2 States and State and local governments;

3 (C) increasing Department of Defense  
4 funding for biodefense; and

5 (D) integrating other departments and  
6 agencies of the United States and State and  
7 local governments into the plans, training, exer-  
8 cises, evaluations, and resourcing.

9 (2) DISEASE SURVEILLANCE.—Options for the  
10 Department of Defense to develop an integrated dis-  
11 ease surveillance detection system and to improve  
12 systems for communicating information and warn-  
13 ings of the incidence of disease to recipients within  
14 the Department of Defense and to other depart-  
15 ments and agencies of the United States and State  
16 and local governments.

17 (3) EMERGENCY MANAGEMENT STANDARD.—  
18 Options for broadening the scope of the Revised  
19 Emergency Management Standard of the Joint  
20 Commission on Accreditation of Healthcare Organi-  
21 zations by including the broad and active participa-  
22 tion of Federal, State, and local governmental agen-  
23 cies that are expected to respond in any event of a  
24 CBRNE or cyber attack.

1           (4) LABORATORY RESPONSE NETWORK.—Op-  
2           tions for the Department of Defense—

3                   (A) to participate in the laboratory re-  
4                   sponse network for bioterrorism; and

5                   (B) to increase the capacity of Department  
6                   of Defense laboratories rated by the Secretary  
7                   of Defense as level D laboratories to facilitate  
8                   participation in the network.

9           (h) CHEMICAL BIOLOGICAL INCIDENT RESPONSE  
10       TEAMS.—The evaluation of the need for and feasibility of  
11       developing and fielding Department of Defense regional  
12       chemical biological incident response teams under sub-  
13       section (b)(6) shall include a discussion and evaluation of  
14       the following options:

15               (1) REGIONAL TEAMS.—Options for the De-  
16               partment of Defense, using the chemical biological  
17               incident response force as a model, to develop, equip,  
18               train, and provide transportation for five United  
19               States based, strategically located, regional chemical  
20               biological incident response teams.

21               (2) RESOURCING.—Options and preferred  
22               methods for providing the resources and personnel  
23               necessary for developing and fielding any such  
24               teams.

25           (i) DEFINITIONS.—In this section:

1           (1) CBRNE.—The term “CBRNE” means  
2       chemical, biological, radiological, nuclear, or explo-  
3       sive.

4           (2) WEAPON OF MASS DESTRUCTION.—The  
5       term “weapon of mass destruction” has the meaning  
6       given such term in section 1403 of the Defense  
7       Against Weapons of Mass Destruction Act of 1996  
8       (50 U.S.C. 2302).

9   **SEC. 1045. STRATEGY FOR IMPROVING PREPAREDNESS OF**  
10                   **MILITARY INSTALLATIONS FOR INCIDENTS**  
11                   **INVOLVING WEAPONS OF MASS DESTRUC-**  
12                   **TION.**

13       (a) COMPREHENSIVE PLAN.—The Secretary of De-  
14       fense shall develop a comprehensive plan for improving the  
15       preparedness of military installations for preventing and  
16       responding to incidents involving use or threat of use of  
17       weapons of mass destruction.

18       (b) CONTENT.—The comprehensive plan shall set  
19       forth the following:

20           (1) A strategy that—

21               (A) identifies—

22                   (i) long-term goals and objectives;

23                   (ii) resource requirements; and

1 (iii) factors beyond the control of the  
2 Secretary that could impede the achieve-  
3 ment of the goals and objectives; and

4 (B) includes a discussion of—

5 (i) the extent to which local, regional,  
6 or national military response capabilities  
7 are to be developed and used; and

8 (ii) how the Secretary will coordinate  
9 these capabilities with local, regional, or  
10 national civilian capabilities.

11 (2) A performance plan that—

12 (A) provides a reasonable schedule, with  
13 milestones, for achieving the goals and objec-  
14 tives of the strategy;

15 (B) performance criteria for measuring  
16 progress in achieving the goals and objectives;

17 (C) a description of the process, together  
18 with a discussion of the resources, necessary to  
19 achieve the goals and objectives;

20 (D) a description of the process for evalu-  
21 ating results.

22 (c) SUBMITTAL TO CONGRESS.—The Secretary shall  
23 submit the comprehensive plan to the Committees on  
24 Armed Services of the Senate and the House of Represent-

1 atives not later than 180 days after the date of the enact-  
2 ment of this Act.

3 (d) COMPTROLLER GENERAL REVIEW AND RE-  
4 PORT.—Not later than 60 days after the Secretary sub-  
5 mits the comprehensive plan to Congress under subsection  
6 (c), the Comptroller General shall review the plan and sub-  
7 mit an assessment of the plan to the committees referred  
8 to in that subsection.

9 (e) ANNUAL REPORT.—(1) In each of 2004, 2005,  
10 and 2006, the Secretary of Defense shall include a report  
11 on the comprehensive plan in the materials that the Sec-  
12 retary submits to Congress in support of the budget sub-  
13 mitted by the President such year pursuant to section  
14 1105(a) of title 31, United States Code.

15 (2) The report shall include—

16 (A) a discussion of any revision that the Sec-  
17 retary has made in the comprehensive plan since the  
18 last report; and

19 (B) an assessment of the progress made in  
20 achieving the goals and objectives of the strategy set  
21 forth in the plan.

22 (3) No report is required under this subsection after  
23 the Secretary submits under this subsection a report con-  
24 taining a declaration that the goals and objectives set  
25 forth in the strategy have been achieved.

## 1                   **Subtitle E—Other Matters**

2   **SEC. 1061. CONTINUED APPLICABILITY OF EXPIRING GOV-**  
 3                   **ERNMENTWIDE INFORMATION SECURITY RE-**  
 4                   **QUIREMENTS TO THE DEPARTMENT OF DE-**  
 5                   **FENSE.**

6           (a) IN GENERAL.—Chapter 131 of title 10, United  
 7 States Code, is amended by inserting after section 2224  
 8 the following new section:

9   **“§ 2224a. Information security: continued applica-**  
 10                   **bility of expiring Governmentwide re-**  
 11                   **quirements to the Department of Defense**

12           “(a) IN GENERAL.—The provisions of subchapter II  
 13 of chapter 35 of title 44 shall continue to apply with re-  
 14 spect to the Department of Defense, notwithstanding the  
 15 expiration of authority under section 3536 of such title.

16           “(b) RESPONSIBILITIES.—In administering the provi-  
 17 sions of subchapter II of chapter 35 of title 44 with re-  
 18 spect to the Department of Defense after the expiration  
 19 of authority under section 3536 of such title, the Secretary  
 20 of Defense shall perform the duties set forth in that sub-  
 21 chapter for the Director of the Office of Management and  
 22 Budget.”.

23           (b) CLERICAL AMENDMENT.—The table of sections  
 24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 2224 the following new  
2 item:

“2224a. Information security: continued applicability of expiring Government-wide requirements to the Department of Defense.”.

3 **SEC. 1062. ACCEPTANCE OF VOLUNTARY SERVICES OF**  
4 **PROCTORS FOR ADMINISTRATION OF ARMED**  
5 **SERVICES VOCATIONAL APTITUDE BATTERY.**

6 Section 1588(a) of title 10, United States Code, is  
7 amended by adding at the end the following new para-  
8 graph:

9 “(6) Voluntary services as a proctor for the ad-  
10 ministration of the Armed Services Vocational Apti-  
11 tude Battery.”.

12 **SEC. 1063. EXTENSION OF AUTHORITY FOR SECRETARY OF**  
13 **DEFENSE TO SELL AIRCRAFT AND AIRCRAFT**  
14 **PARTS FOR USE IN RESPONDING TO OIL**  
15 **SPILLS.**

16 (a) **FOUR-YEAR EXTENSION.**—Subsection (a)(1) of  
17 section 740 of the Wendell H. Ford Aviation Investment  
18 and Reform Act for the 21st Century (Public Law 106–  
19 181; 114 Stat. 173; 10 U.S.C. 2576 note) is amended by  
20 striking “September 30, 2002” and inserting “September  
21 30, 2006”.

22 (b) **ADDITIONAL REPORT.**—Subsection (f) of such  
23 section is amended by striking “March 31, 2002” and in-  
24 serting “March 31, 2006”.



1 **SEC. 1064. AMENDMENTS TO IMPACT AID PROGRAM.**

2 (a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL  
3 EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION  
4 OF MILITARY HOUSING.—Section 8003(b)(2) of the Ele-  
5 mentary and Secondary Education Act of 1965 (20 U.S.C.  
6 7703(b)(2)) is amended by adding at the end the fol-  
7 lowing:

8 “(H) ELIGIBILITY FOR HEAVILY IMPACTED  
9 LOCAL EDUCATIONAL AGENCIES AFFECTED BY  
10 PRIVATIZATION OF MILITARY HOUSING.—

11 “(i) IN GENERAL.—For any fiscal  
12 year beginning with fiscal year 2003, a  
13 heavily impacted local educational agency  
14 that received a basic support payment  
15 under subparagraph (A) for the prior fiscal  
16 year, but is ineligible for such payment for  
17 the current fiscal year under subparagraph  
18 (B) or (C), as the case may be, by reason  
19 of the conversion of military housing units  
20 to private housing described in clause (ii),  
21 shall be deemed to meet the eligibility re-  
22 quirements under subparagraph (B) or  
23 (C), as the case may be, for the period  
24 during which the housing units are under-  
25 going such conversion, and shall be paid  
26 under the same provisions of subparagraph

(D) or (E) as the agency was paid in the prior fiscal year.

“(ii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), ‘conversion of military housing units to private housing’ means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.”.

(b) COTERMINOUS MILITARY SCHOOL DISTRICTS.—

Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

“(6) COTERMINOUS MILITARY SCHOOL DISTRICTS.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the agency is a local educational agency whose boundaries are the same as a Federal military installation.”.

1 **TITLE XI—DEPARTMENT OF DE-**  
2 **FENSE CIVILIAN PERSONNEL**  
3 **POLICY**

4 **SEC. 1101. EXTENSION OF AUTHORITY TO PAY SEVERANCE**  
5 **PAY IN A LUMP SUM.**

6 Section 5595(i)(4) of title 5, United States Code, is  
7 amended by striking “October 1, 2003” and inserting  
8 “October 1, 2006”.

9 **SEC. 1102. EXTENSION OF VOLUNTARY SEPARATION INCEN-**  
10 **TIVE PAY AUTHORITY.**

11 Section 5597(e) of title 5, United States Code, is  
12 amended by striking “September 30, 2003” and inserting  
13 “September 30, 2006”.

14 **SEC. 1103. EXTENSION OF COST-SHARING AUTHORITY FOR**  
15 **CONTINUED FEHBP COVERAGE OF CERTAIN**  
16 **PERSONS AFTER SEPARATION FROM EM-**  
17 **PLOYMENT.**

18 Section 8905a(d)(4)(B) of title 5, United States  
19 Code, is amended—

20 (1) by striking “October 1, 2003” both places  
21 it appears and inserting “October 1, 2006”; and

22 (2) by striking “February 1, 2004” in clause  
23 (ii) and inserting “February 1, 2007”.

1 **SEC. 1104. ELIGIBILITY OF NONAPPROPRIATED FUNDS EM-**  
2 **PLOYEES TO PARTICIPATE IN THE FEDERAL**  
3 **EMPLOYEES LONG-TERM CARE INSURANCE**  
4 **PROGRAM.**

5 Section 9001(1) of title 5, United States Code, is  
6 amended—

7 (1) by striking “and” at the end of subpara-  
8 graph (B);

9 (2) by striking the comma at the end of sub-  
10 paragraph (C) and inserting “; and”; and

11 (3) by inserting after subparagraph (C) the fol-  
12 lowing new subparagraph:

13 “(D) an employee paid from non-  
14 appropriated funds referred to in section  
15 2105(c) of this title;”.

16 **SEC. 1105. INCREASED MAXIMUM PERIOD OF APPOINT-**  
17 **MENT UNDER THE EXPERIMENTAL PER-**  
18 **SONNEL PROGRAM FOR SCIENTIFIC AND**  
19 **TECHNICAL PERSONNEL.**

20 Section 1101(c)(1) of the Strom Thurmond National  
21 Defense Authorization Act for Fiscal Year 1999 (Public  
22 Law 105–261; 112 Stat. 2140; 5 U.S.C. 3104 note) is  
23 amended by striking “4 years” and inserting “5 years”.

1 **SEC. 1106. QUALIFICATION REQUIREMENTS FOR EMPLOY-**  
2 **MENT IN DEPARTMENT OF DEFENSE PROFES-**  
3 **SIONAL ACCOUNTING POSITIONS.**

4 (a) PROFESSIONAL CERTIFICATION.—The Secretary  
5 of Defense may prescribe regulations that require a person  
6 employed in a professional accounting position within the  
7 Department of Defense to be a certified public accountant  
8 and that apply the requirement to all such positions or  
9 to selected positions, as the Secretary considers appro-  
10 priate.

11 (b) WAIVERS AND EXEMPTIONS.—(1) The Secretary  
12 may include in the regulations imposing a requirement  
13 under subsection (a), as the Secretary considers  
14 appropriate—

15 (A) any exemption from the requirement; and

16 (B) authority to waive the requirement.

17 (2) The Secretary shall include in the regulations an  
18 exemption for persons employed in positions covered by  
19 the requirement before the date of the enactment of this  
20 Act.

21 (c) EXCLUSIVE AUTHORITY.—No requirement im-  
22 posed under subsection (a), and no waiver or exemption  
23 provided in the regulations pursuant to subsection (b),  
24 shall be subject to review or approval by the Office of Per-  
25 sonnel Management.

1 (d) DEFINITION.—For the purposes of this section,  
 2 the term “professional accounting position” means a posi-  
 3 tion in the GS–510, GS–511, or GS–505 series for which  
 4 professional accounting duties are prescribed.

5 (e) EFFECTIVE DATE.—This section shall take effect  
 6 120 days after the date of the enactment of this Act.

7 **SEC. 1107. HOUSING BENEFITS FOR UNACCOMPANIED**  
 8 **TEACHERS REQUIRED TO LIVE AT GUANTA-**  
 9 **NAMO BAY NAVAL STATION, CUBA.**

10 Section 7(b) of the Defense Department Overseas  
 11 Teachers Pay and Personnel Practices Act (20 U.S.C.  
 12 905(b)) is amended—

13 (1) by inserting “(1)” after “(b)”; and

14 (2) by adding at the end the following new  
 15 paragraph:

16 “(2)(A) A teacher assigned to teach at Guantanamo  
 17 Bay Naval Station, Cuba, who is not accompanied at such  
 18 station by any dependent—

19 “(i) shall be offered for lease any available mili-  
 20 tary family housing at such station that is suitable  
 21 for occupancy by the teacher and is not needed to  
 22 house members of the armed forces and dependents  
 23 accompanying them or other civilian personnel and  
 24 any dependents accompanying them; and

1           “(ii) for any period for which such housing is  
2           leased to the teacher, shall receive a quarters allow-  
3           ance in the amount determined under paragraph (1).

4           “(B) A teacher is entitled to the quarters allowance  
5           in accordance with subparagraph (A)(ii) without regard  
6           to whether other Government furnished quarters are avail-  
7           able for occupancy by the teacher without charge to the  
8           teacher.”.

9           **TITLE XII—MATTERS RELATING**  
10           **TO OTHER NATIONS**  
11           **Subtitle A—Cooperative Threat Re-**  
12           **duction With States of the**  
13           **Former Soviet Union**

14           **SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT RE-**  
15           **DUCTION PROGRAMS AND FUNDS.**

16           (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
17           poses of section 301 and other provisions of this Act, Co-  
18           operative Threat Reduction programs are the programs  
19           specified in section 1501(b) of the National Defense Au-  
20           thorization Act for Fiscal Year 1997 (Public Law 104–  
21           201; 110 Stat. 2731; 50 U.S.C. 2362 note).

22           (b) FISCAL YEAR 2003 COOPERATIVE THREAT RE-  
23           DUCTION FUNDS DEFINED.—As used in this title, the  
24           term “fiscal year 2003 Cooperative Threat Reduction  
25           funds” means the funds appropriated pursuant to the au-

1   thorization of appropriations in section 301 for Coopera-  
2   tive Threat Reduction programs.

3       (c) AVAILABILITY OF FUNDS.—Funds appropriated  
4   pursuant to the authorization of appropriations in section  
5   301 for Cooperative Threat Reduction programs shall be  
6   available for obligation for three fiscal years.

7   **SEC. 1202. FUNDING ALLOCATIONS.**

8       (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
9   \$416,700,000 authorized to be appropriated to the De-  
10   partment of Defense for fiscal year 2003 in section  
11   301(a)(23) for Cooperative Threat Reduction programs,  
12   not more than the following amounts may be obligated for  
13   the purposes specified:

14           (1) For strategic offensive arms elimination in  
15       Russia, \$70,500,000.

16           (2) For strategic nuclear arms elimination in  
17       Ukraine, \$6,500,000.

18           (3) For weapons of mass destruction infrastruc-  
19       ture elimination in Ukraine, \$8,800,000.

20           (4) For weapons of mass destruction infrastruc-  
21       ture elimination in Kazakhstan, \$9,000,000.

22           (5) For weapons transportation security in Rus-  
23       sia, \$19,700,000.

24           (6) For weapons storage security in Russia,  
25       \$40,000,000.



1           (7) For weapons of mass destruction prolifera-  
2       tion prevention in the former Soviet Union,  
3       \$40,000,000.

4           (8) For biological weapons proliferation preven-  
5       tion activities in the former Soviet Union,  
6       \$55,000,000.

7           (9) For chemical weapons destruction in Rus-  
8       sia, \$133,600,000.

9           (10) For activities designated as Other Assess-  
10      ments/Administrative Support, \$14,700,000.

11          (11) For defense and military contacts,  
12      \$18,900,000.

13      (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
14      FUNDS FOR OTHER PURPOSES.—No fiscal year 2003 Co-  
15      operative Threat Reduction funds may be obligated or ex-  
16      pended for a purpose other than a purpose listed in para-  
17      graphs (1) through (11) of subsection (a) until 30 days  
18      after the date that the Secretary of Defense submits to  
19      Congress a report on the purpose for which the funds will  
20      be obligated or expended and the amount of funds to be  
21      obligated or expended. Nothing in the preceding sentence  
22      shall be construed as authorizing the obligation or expend-  
23      iture of fiscal year 2003 Cooperative Threat Reduction  
24      funds for a purpose for which the obligation or expendi-

1 ture of such funds is specifically prohibited under this title  
 2 or any other provision of law.

3 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
 4 AMOUNTS.—(1) Subject to paragraph (2), in any case in  
 5 which the Secretary of Defense determines that it is nec-  
 6 essary to do so in the national interest, the Secretary may  
 7 obligate amounts appropriated for fiscal year 2003 for a  
 8 purpose listed in any of the paragraphs in subsection (a)  
 9 in excess of the amount specifically authorized for such  
 10 purpose.

11 (2) An obligation of funds for a purpose stated in  
 12 any of the paragraphs in subsection (a) in excess of the  
 13 specific amount authorized for such purpose may be made  
 14 using the authority provided in paragraph (1) only after—

15 (A) the Secretary submits to Congress notifica-  
 16 tion of the intent to do so together with a complete  
 17 discussion of the justification for doing so; and

18 (B) 15 days have elapsed following the date of  
 19 the notification.

20 **SEC. 1203. AUTHORIZATION OF USE OF COOPERATIVE**  
 21 **THREAT REDUCTION FUNDS FOR PROJECTS**  
 22 **AND ACTIVITIES OUTSIDE THE FORMER SO-**  
 23 **VIET UNION.**

24 (a) COOPERATIVE THREAT REDUCTION PROGRAMS  
 25 AND FUNDS.—For purposes of this section:

1           (1) Cooperative Threat Reduction programs  
2       are—

3           (A) the programs specified in section  
4       1501(b) of the National Defense Authorization  
5       Act for Fiscal Year 1997 (Public Law 104–201;  
6       110 Stat. 2731; 50 U.S.C. 2362 note); and

7           (B) any other similar programs, as des-  
8       ignated by the Secretary of Defense, to address  
9       critical emerging proliferation threats in the  
10      states of the former Soviet Union that jeop-  
11      ardize United States national security.

12          (2) Cooperative Threat Reduction funds, for a  
13      fiscal year, are the funds authorized to be appro-  
14      priated for Cooperative Threat Reduction programs  
15      for that fiscal year.

16      (b) AUTHORIZATION OF USE OF CTR FUNDS FOR  
17      THREAT REDUCTION ACTIVITIES OUTSIDE THE FORMER  
18      SOVIET UNION.—(1) Notwithstanding any other provision  
19      of law and subject to the succeeding provisions of this sec-  
20      tion, the Secretary of Defense may obligate and expend  
21      Cooperative Threat Reduction funds for fiscal year 2003,  
22      or Cooperative Threat Reduction funds for a fiscal year  
23      before fiscal year 2003 that remain available for obligation  
24      as of the date of the enactment of this Act, for prolifera-  
25      tion threat reduction projects and activities outside the

1 states of the former Soviet Union if the Secretary deter-  
2 mines that such projects and activities will—

3 (A) assist the United States in the resolution of  
4 critical emerging proliferation threats; or

5 (B) permit the United States to take advantage  
6 of opportunities to achieve long-standing United  
7 States nonproliferation goals.

8 (2) The amount that may be obligated under para-  
9 graph (1) in any fiscal year for projects and activities de-  
10 scribed in that paragraph may not exceed \$50,000,000.

11 (c) AUTHORIZED USES OF FUNDS.—The authority  
12 under subsection (b) to obligate and expend Cooperative  
13 Threat Reduction funds for a project or activity includes  
14 authority to provide equipment, goods, and services for the  
15 project or activity, but does not include authority to pro-  
16 vide cash directly to the project or activity.

17 (d) SOURCE AND REPLACEMENT OF FUNDS USED.—

18 (1) The Secretary shall, to the maximum extent prac-  
19 ticable, ensure that funds for projects and activities under  
20 subsection (b) are derived from funds that would otherwise  
21 be obligated for a range of Cooperative Threat Reduction  
22 programs, so that no particular Cooperative Threat Re-  
23 duction program is the exclusive or predominant source  
24 of funds for such projects and activities.

1       (2) If the Secretary obligates Cooperative Threat Re-  
2   duction funds under subsection (b) in a fiscal year, the  
3   first budget of the President that is submitted under sec-  
4   tion 1105(a) of title 31, United States Code, after such  
5   fiscal year shall set forth, in addition to any other amounts  
6   requested for Cooperative Threat Reduction programs in  
7   the fiscal year covered by such budget, a request for Coop-  
8   erative Threat Reduction funds in the fiscal year covered  
9   by such budget in an amount equal to the amount so obli-  
10   gated. The request shall also set forth the Cooperative  
11   Threat Reduction program or programs for which such  
12   funds would otherwise have been obligated, but for obliga-  
13   tion under subsection (b).

14       (3) Amounts authorized to be appropriated pursuant  
15   to a request under paragraph (2) shall be available for  
16   the Cooperative Threat Reduction program or programs  
17   set forth in the request under the second sentence of that  
18   paragraph.

19       (e) LIMITATION ON OBLIGATION OF FUNDS.—Except  
20   as provided in subsection (f), the Secretary may not obli-  
21   gate and expend Cooperative Threat Reduction funds for  
22   a project or activity under subsection (b) until 30 days  
23   after the date on which the Secretary submits to the con-  
24   gressional defense committees a report on the purpose for

1 which the funds will be obligated and expended, and the  
2 amount of the funds to be obligated and expended.

3 (f) EXCEPTION.—(1) The Secretary may obligate and  
4 expend Cooperative Threat Reduction funds for a project  
5 or activity under subsection (b) without regard to sub-  
6 section (e) if the Secretary determines that a critical  
7 emerging proliferation threat warrants immediate obliga-  
8 tion and expenditure of such funds.

9 (2) Not later than 72 hours after first obligating  
10 funds for a project or activity under paragraph (1), the  
11 Secretary shall submit to the congressional defense com-  
12 mittees a report containing a detailed justification for the  
13 obligation of funds. The report on a project or activity  
14 shall include the following:

15 (A) A description of the critical emerging pro-  
16 liferation threat to be addressed, or the long-stand-  
17 ing United States nonproliferation goal to be  
18 achieved, by the project or activity.

19 (B) A description of the agreement, if any,  
20 under which the funds will be used, including wheth-  
21 er or not the agreement provides that the funds will  
22 not be used for purposes contrary to the national se-  
23 curity interests of the United States.

1 (C) A description of the contracting process, if  
2 any, that will be used in the implementation of the  
3 project or activity.

4 (D) An analysis of the effect of the obligation  
5 of funds for the project or activity on ongoing Coop-  
6 erative Threat Reduction programs.

7 (E) An analysis of the need for additional or  
8 follow-up threat reduction assistance, including  
9 whether or not the need for such assistance justifies  
10 the establishment of a new cooperative threat reduc-  
11 tion program or programs to account for such assist-  
12 ance.

13 (F) A description of the mechanisms to be used  
14 by the Secretary to assure that proper audits and  
15 examinations of the project or activity are carried  
16 out.

17 (g) REPORT ON ESTABLISHMENT OF NEW COOPERA-  
18 TIVE THREAT REDUCTION PROGRAMS.—(1) If the Sec-  
19 retary employs the authority in subsection (b) in any two  
20 fiscal years, the Secretary shall submit to Congress a re-  
21 port on the advisability of establishing one or more new  
22 cooperative threat reduction programs to account for  
23 projects and activities funded using such authority.

24 (2) The report required by paragraph (1) shall be  
25 submitted along with the budget justification materials in

1 support of the Department of Defense budget (as sub-  
 2 mitted with the budget of the President under section  
 3 1105(a) of title 31, United States Code) in the first budg-  
 4 et submitted after the end of the two consecutive fiscal  
 5 years referred to in that paragraph.

6 **SEC. 1204. WAIVER OF LIMITATIONS ON ASSISTANCE**  
 7 **UNDER PROGRAMS TO FACILITATE COOPER-**  
 8 **ATIVE THREAT REDUCTION AND NON-**  
 9 **PROLIFERATION.**

10 (a) ASSISTANCE UNDER COOPERATIVE THREAT RE-  
 11 Duction Act of 1993.—Section 1203 of the Cooperative  
 12 Threat Reduction Act of 1993 (title XII of Public Law  
 13 103–160; 107 Stat. 1778; 22 U.S.C. 5952) is amended  
 14 by adding at the end the following new subsection:

15 “(e) WAIVER OF RESTRICTIONS.—(1) The restric-  
 16 tions in subsection (d) shall cease to apply to a state for  
 17 a year if the President submits to the Speaker of the  
 18 House of Representative and the President pro tempore  
 19 of the Senate a written certification that the waiver of  
 20 such restrictions in such year is important to the national  
 21 security interests of the United States, together with a re-  
 22 port containing the following:

23 “(A) A description of the activity or activities  
 24 that prevent the President from certifying that the  
 25 state is committed to the matters set forth in sub-



1       section (d) in such year as otherwise provided for in  
2       that subsection.

3               “(B) A description of the strategy, plan, or pol-  
4       icy of the President for promoting the commitment  
5       of the state to such matters, notwithstanding the  
6       waiver.

7               “(2) The matter included in the report under para-  
8       graph (1) shall be submitted in unclassified form, but may  
9       include a classified annex.”.

10       (b) ADMINISTRATION OF RESTRICTIONS ON ASSIST-  
11       ANCE.—Subsection (d) of that section is amended—

12               (1) by striking “any year” and inserting “any  
13       fiscal year”; and

14               (2) by striking “that year” and inserting “such  
15       fiscal year”.

16       (c) ELIGIBILITY REQUIREMENTS UNDER FREEDOM  
17       SUPPORT ACT.—Section 502 of the FREEDOM Support  
18       Act (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.  
19       5852) is amended—

20               (1) by striking “Funds” and inserting “(a)  
21       ELIGIBILITY.—Except as provided in subsection (b),  
22       funds”; and

23               (2) by adding at the end the following new sub-  
24       section:

1       “(b) WAIVER OF ELIGIBILITY REQUIREMENTS.—(1)  
2 Funds may be obligated for a fiscal year under subsection  
3 (a) for assistance or other programs and activities for an  
4 independent state of the former Soviet Union that does  
5 not meet one or more of the requirements for eligibility  
6 under paragraphs (1) through (4) of that subsection if the  
7 President certifies in writing to the Congress that the  
8 waiver of such requirements in such fiscal year is impor-  
9 tant to the national security interests of the United States.

10       “(2) At the time of the exercise of the authority in  
11 paragraph (1) with respect to an independent state of the  
12 former Soviet Union for a fiscal year, the President shall  
13 submit to the congressional defense committees a report  
14 on the following:

15               “(A) A description of the activity or activities  
16 that prevent the President from certifying that the  
17 state is committed to each matter in subsection (a)  
18 in such fiscal year to which the waiver under para-  
19 graph (1) applies.

20               “(B) A description of the strategy, plan, or pol-  
21 icy of the President for promoting the commitment  
22 of the state to each such matter, notwithstanding  
23 the waiver.

24       “(3) In this subsection, the term ‘congressional de-  
25 fense committees’ means—

1           “(A) the Committee on Armed Services and the  
2           Committee on Appropriations of the Senate; and

3           “(B) the Committee on Armed Services and the  
4           Committee on Appropriations of the House of Rep-  
5           resentatives.”.

6           (d) EFFECTIVE DATE.—The amendments made by  
7           this section shall take effect on October 1, 2002.

## 8           **Subtitle B—Other Matters**

### 9           **SEC. 1211. ADMINISTRATIVE SUPPORT AND SERVICES FOR** 10           **COALITION LIAISON OFFICERS.**

11           (a) AUTHORITY.—Chapter 6 of title 10, United  
12           States Code, is amended by adding at the end the fol-  
13           lowing new section:

#### 14           **“§ 169. Administrative support and services for coal-** 15           **tion liaison officers**

16           “(a) AUTHORITY.—The Secretary of Defense may  
17           provide administrative services and support for the per-  
18           formance of duties by any liaison officer of another nation  
19           involved in a coalition while the liaison officer is assigned  
20           temporarily to the headquarters of a combatant command,  
21           component command, or subordinate operational com-  
22           mand of the United States in connection with the planning  
23           for or conduct of a coalition operation.

24           “(b) TRAVEL, SUBSISTENCE, AND OTHER EX-  
25           PENSES.—The Secretary may pay the travel, subsistence,

1 and similar personal expenses of a liaison officer of a de-  
 2 veloping country in connection with the assignment of that  
 3 liaison officer to the headquarters of a combatant com-  
 4 mand as described in subsection (a) if the assignment is  
 5 requested by the commander of the combatant command.

6 “(c) REIMBURSEMENT.—To the extent that the Sec-  
 7 retary determines appropriate, the Secretary may provide  
 8 the services and support authorized under subsections (a)  
 9 and (b) with or without reimbursement from (or on behalf  
 10 of) the recipients.

11 “(d) DEFINITIONS.—In this section:

12 “(1) The term ‘administrative services and sup-  
 13 port’ includes base or installation support services,  
 14 office space, utilities, copying services, fire and po-  
 15 lice protection, and computer support.

16 “(2) The term ‘coalition’ means an ad hoc ar-  
 17 rangement between or among the United States and  
 18 one or more other nations for common action.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
 20 at the beginning of such chapter 6 is amended by adding  
 21 at the end the following new item:

“169. Administrative support and services for coalition liaison officers.”.

22 **SEC. 1212. USE OF WARSAW INITIATIVE FUNDS FOR TRAVEL**  
 23 **OF OFFICIALS FROM PARTNER COUNTRIES.**

24 Section 1051(b) of title 10, United States Code, is  
 25 amended—

1           (1) in paragraph (1), by striking “paragraph  
2           (2)” and inserting “paragraphs (2) and (3)”;

3           (2) by redesignating paragraph (3) as para-  
4           graph (4); and

5           (3) by inserting after paragraph (2) the fol-  
6           lowing new paragraph (3):

7           “(3) In the case of defense personnel of a country  
8           that is participating in the Partnership for Peace program  
9           of the North Atlantic Treaty Organization (NATO), ex-  
10          penses authorized to be paid under subsection (a) may be  
11          paid in connection with travel of personnel to the territory  
12          of any of the countries participating in the Partnership  
13          for Peace program or of any of the NATO member coun-  
14          tries.”.

15   **SEC. 1213. SUPPORT OF UNITED NATIONS-SPONSORED EF-**  
16                           **FORTS TO INSPECT AND MONITOR IRAQI**  
17                           **WEAPONS ACTIVITIES.**

18          (a) LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-  
19          CAL YEAR 2003.—The total amount of the assistance for  
20          fiscal year 2003 that is provided by the Secretary of De-  
21          fense under section 1505 of the Weapons of Mass Destruc-  
22          tion Control Act of 1992 (22 U.S.C. 5859a) as activities  
23          of the Department of Defense in support of activities  
24          under that Act may not exceed \$15,000,000.

1 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-  
 2 ANCE.—Subsection (f) of section 1505 of the Weapons of  
 3 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)  
 4 is amended by striking “2002” and inserting “2003”.

5 **SEC. 1214. ARCTIC AND WESTERN PACIFIC ENVIRON-**  
 6 **MENTAL COOPERATION PROGRAM.**

7 (a) IN GENERAL.—(1) Subchapter II of chapter 138  
 8 of title 10, United States Code, is amended by adding at  
 9 the end the following new section:

10 **“§ 2350m. Arctic and Western Pacific Environmental**  
 11 **Cooperation Program**

12 “(a) AUTHORITY TO CONDUCT PROGRAM.—The Sec-  
 13 retary of Defense may, with the concurrence of the Sec-  
 14 retary of State, conduct on a cooperative basis with coun-  
 15 tries located in the Arctic and Western Pacific regions a  
 16 program of environmental activities provided for in sub-  
 17 section (b) in such regions. The program shall be known  
 18 as the ‘Arctic and Western Pacific Environmental Co-  
 19 operation Program’.

20 “(b) PROGRAM ACTIVITIES.—(1) Except as provided  
 21 in paragraph (2), activities under the program under sub-  
 22 section (a) may include cooperation and assistance on en-  
 23 vironmental matters in the Arctic and Western Pacific re-  
 24 gions among elements of the Department of Defense and

1 the military departments or agencies of countries located  
2 in such regions.

3 “(2) Activities under the program may not include  
4 activities relating to the following:

5 “(A) The conduct of any peacekeeping exercise  
6 or other peacekeeping-related activity with the Rus-  
7 sian Federation.

8 “(B) The provision of housing.

9 “(C) The provision of assistance to promote en-  
10 vironmental restoration.

11 “(D) The provision of assistance to promote job  
12 retraining.

13 “(c) LIMITATION ON FUNDING FOR PROJECTS  
14 OTHER THAN RADIOLOGICAL PROJECTS.—Not more than  
15 20 percent of the amount made available for the program  
16 under subsection (a) in any fiscal year may be available  
17 for projects under the program other than projects on ra-  
18 diological matters.

19 “(d) ANNUAL REPORT.—(1) Not later than March  
20 1, 2003, and each year thereafter, the Secretary of De-  
21 fense shall submit to Congress a report on activities under  
22 the program under subsection (a) during the preceding fis-  
23 cal year.

24 “(2) The report on the program for a fiscal year  
25 under paragraph (1) shall include the following:

1           “(A) A description of the activities carried out  
2           under the program during that fiscal year, including  
3           a separate description of each project under the pro-  
4           gram.

5           “(B) A statement of the amounts obligated and  
6           expended for the program during that fiscal year,  
7           set forth in aggregate and by project.

8           “(C) A statement of the life cycle costs of each  
9           project, including the life cycle costs of such project  
10          as of the end of that fiscal year and an estimate of  
11          the total life cycle costs of such project upon comple-  
12          tion of such project.

13          “(D) A statement of the participants in the ac-  
14          tivities carried out under the program during that  
15          fiscal year, including the elements of the Depart-  
16          ment of Defense and the military departments or  
17          agencies of other countries.

18          “(E) A description of the contributions of the  
19          military departments and agencies of other countries  
20          to the activities carried out under the program dur-  
21          ing that fiscal year, including any financial or other  
22          contributions to such activities.”.

23          (2) The table of sections at the beginning of that sub-  
24          chapter is amended by adding at the end the following  
25          new item:

“2350m. Arctic and Western Pacific Environmental Cooperation Program.”.



(b) REPEAL OF SUPERSEDED AUTHORITY ON ARCTIC MILITARY COOPERATION PROGRAM.—Section 327 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1965) is repealed.

## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

### **SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2003”.

## **TITLE XXI—ARMY**

### **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alabama .....	Anniston Army Depot .....	\$1,900,000
	Fort Rucker .....	\$6,550,000
Alaska .....	Fort Richardson .....	\$15,000,000
	Fort Wainwright .....	\$111,010,000
Arkansas .....	Pine Bluff Arsenal .....	\$18,937,000
Colorado .....	Fort Carson .....	\$1,100,000
District of Columbia .....	Walter Reed Army Medical Center ..	\$9,500,000
Georgia .....	Fort Benning .....	\$74,250,000

**Army: Inside the United States**—Continued

State	Installation or location	Amount
	Fort Stewart/Hunter Army Air Field	\$26,000,000
Hawaii .....	Schofield Barracks .....	\$191,000,000
Kansas .....	Fort Leavenworth .....	\$3,150,000
	Fort Riley .....	\$74,000,000
Kentucky .....	Blue Grass Army Depot .....	\$5,500,000
	Fort Campbell .....	\$99,000,000
	Fort Knox .....	\$6,800,000
Louisiana .....	Fort Polk .....	\$31,000,000
Maryland .....	Fort Detrick .....	\$19,700,000
Missouri .....	Fort Leonard Wood .....	\$15,500,000
New York .....	Fort Drum .....	\$1,500,000
North Carolina .....	Fort Bragg .....	\$85,500,000
Oklahoma .....	Fort Sill .....	\$35,000,000
Pennsylvania .....	Letterkenny Army Depot .....	\$1,550,000
Texas .....	Fort Hood .....	\$69,000,000
Washington .....	Fort Lewis .....	\$53,000,000
	Total .....	\$956,697,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Army: Outside the United States**

Country	Installation or location	Amount
Belgium .....	Chievres Air Base .....	\$13,600,000
Germany .....	Area Support Group, Bamberg .....	\$17,200,000
	Darmstadt .....	\$3,500,000
	Grafenwoehr .....	\$69,866,000
	Heidelberg .....	\$8,300,000
	Landstuhl .....	\$1,300,000
	Mannheim .....	\$43,350,000
	Schweinfurt .....	\$2,000,000
Italy .....	Vicenza .....	\$34,700,000
Korea .....	Camp Carroll .....	\$20,000,000
	Camp Castle .....	\$6,800,000
	Camp Hovey .....	\$25,000,000
	Camp Humphreys .....	\$36,000,000
	Camp Tango .....	\$12,600,000
	Camp Walker .....	\$10,200,000
	K16 Airfield .....	\$40,000,000
Qatar .....	Qatar .....	\$8,600,000
	Total .....	\$354,116,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Unspecified Worldwide .....	\$4,000,000

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

State or Country	Installation or location	Purpose	Amount
Alaska .....	Fort Wainwright .....	38 Units .....	\$17,752,000
Arizona .....	Yuma Proving Ground	33 Units .....	\$6,100,000
Germany .....	Stuttgart .....	1 Units .....	\$990,000
Korea .....	Yongsan .....	10 Units .....	\$3,100,000
	Total: .....		\$27,942,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and con-

1 construction design activities with respect to the construction  
2 or improvement of family housing units in an amount not  
3 to exceed \$15,653,000.

4 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
5 **UNITS.**

6 Subject to section 2825 of title 10, United States  
7 Code, and using amounts appropriated pursuant to the  
8 authorization of appropriations in section 2104(a)(6)(A),  
9 the Secretary of the Army may improve existing military  
10 family housing units in an amount not to exceed  
11 \$239,751,000.

12 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13 (a) IN GENERAL.—Funds are hereby authorized to  
14 be appropriated for fiscal years beginning after September  
15 30, 2002, for military construction, land acquisition, and  
16 military family housing functions of the Department of the  
17 Army in the total amount of \$2,999,345,000 as follows:

18 (1) For military construction projects inside the  
19 United States authorized by section 2101(a),  
20 \$750,497,000.

21 (2) For military construction projects outside  
22 the United States authorized by section 2101(b),  
23 \$354,116,000.

1           (3) For military construction projects at un-  
2           specified worldwide locations authorized by section  
3           2101(c), \$4,000,000.

4           (4) For unspecified minor construction projects  
5           authorized by section 2805 of title 10, United States  
6           Code, \$20,500,000.

7           (5) For architectural and engineering services  
8           and construction design under section 2807 of title  
9           10, United States Code, \$148,864,000.

10          (6) For military family housing functions:

11                (A) For construction and acquisition, plan-  
12                ning and design and improvement of military  
13                family housing and facilities, \$283,346,000.

14                (B) For support of military family housing  
15                (including the functions described in section  
16                2833 of title 10, United States Code),  
17                \$1,122,274,000.

18          (7) For the construction of phase 4 of an am-  
19               munition demilitarization facility at Pueblo Chemical  
20               Activity, Colorado, authorized by section 2401(a) of  
21               the Military Construction Authorization Act for Fis-  
22               cal Year 1997 (division B of Public Law 104–201;  
23               110 Stat. 2775), as amended by section 2406 of the  
24               Military Construction Authorization Act for Fiscal  
25               Year 2000 (division B of Public Law 106–65; 113

1 Stat. 839) and section 2108 of this Act,  
2 \$38,000,000.

3 (8) For the construction of phase 5 of an am-  
4 munition demilitarization facility at Newport Army  
5 Depot, Indiana, authorized by section 2401(a) of the  
6 Military Construction Authorization Act for Fiscal  
7 Year 1999 (division B of Public Law 105–261; 112  
8 Stat. 2193), \$61,494,000.

9 (9) For the construction of phase 5 of an am-  
10 munition demilitarization facility at Aberdeen Prov-  
11 ing Ground, Maryland, authorized by section  
12 2401(a) of the Military Construction Authorization  
13 Act for Fiscal Year 1999, as amended by section  
14 2406 of the Military Construction Authorization Act  
15 for Fiscal Year 2002 (division B of Public Law 107–  
16 107; 115 Stat. 1299), \$30,600,000.

17 (10) For the construction of phase 3 of an am-  
18 munition demilitarization facility at Blue Grass  
19 Army Depot, Kentucky, authorized by section  
20 2401(a) of the Military Construction Authorization  
21 Act for Fiscal Year 2000 (113 Stat. 835), as  
22 amended by section 2405 of the Military Construc-  
23 tion Authorization Act for Fiscal Year 2002 (115  
24 Stat. 1298) and section 2106 of this Act,  
25 \$10,300,000.

1           (11) For the construction of phase 3 of an am-  
2           munition demilitarization support facility at Blue  
3           Grass Army Depot, Kentucky, authorized by section  
4           2401(a) of the Military Construction Authorization  
5           Act for Fiscal Year 2000, \$8,300,000.

6           (12) For the construction of phase 2 of Saddle  
7           Access Road, Pohakoula Training Facility, Hawaii,  
8           authorized by section 2101(a) of the Military Con-  
9           struction Authorization Act for Fiscal Year 2001  
10          (division B of the Floyd D. Spence National Defense  
11          Authorization Act for Fiscal Year 2001, as enacted  
12          into law by Public Law 106–398; 114 Stat. 1654A–  
13          389), \$13,000,000.

14          (13) For the construction of phase 3 of a bar-  
15          racks complex, Butner Road, at Fort Bragg, North  
16          Carolina, authorized by section 2101(a) of the Mili-  
17          tary Construction Authorization Act for Fiscal Year  
18          2001, \$50,000,000.

19          (14) For the construction of phase 2 of a bar-  
20          racks complex, D Street, at Fort Richardson, Alas-  
21          ka, authorized by section 2101(a) of the Military  
22          Construction Authorization Act for Fiscal Year 2002  
23          (115 Stat. 1280), \$21,000,000.

24          (15) For the construction of phase 2 of a bar-  
25          racks complex, Nelson Boulevard, at Fort Carson,

1 Colorado, authorized by section 2101(a) of the Mili-  
2 tary Construction Authorization Act for Fiscal Year  
3 2002, as amended by section 2105 of this Act,  
4 \$42,000,000.

5 (16) For the construction of phase 2 of a basic  
6 combat trainee complex at Fort Jackson, South  
7 Carolina, authorized by section 2101(a) of the Mili-  
8 tary Construction Authorization Act for Fiscal Year  
9 2002, as amended by section 2105 of this Act,  
10 \$39,000,000.

11 (17) For the construction of phase 2 of a bar-  
12 racks complex, 17th and B Streets at Fort Lewis,  
13 Washington, authorized by section 2101(a) of the  
14 Military Construction Authorization Act for Fiscal  
15 Year 2002, \$50,000,000.

16 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
17 PROJECTS.—Notwithstanding the cost variations author-  
18 ized by section 2853 of title 10, United States Code, and  
19 any other cost variation authorized by law, the total cost  
20 of all projects carried out under section 2101 of this Act  
21 may not exceed—

22 (1) the total amount authorized to be appro-  
23 priated under paragraphs (1), (2), and (3) of sub-  
24 section (a);



1           (2) \$18,000,000 (the balance of the amount au-  
2           thorized under section 2101(a) for construction of a  
3           barracks complex, Main Post, at Fort Benning,  
4           Georgia);

5           (3) \$100,000,000 (the balance of the amount  
6           authorized under section 2101(a) for construction of  
7           a barracks complex, Capron Avenue, at Schofield  
8           Barracks, Hawaii);

9           (4) \$13,200,000 (the balance of the amount au-  
10          thorized under section 2101(a) for construction of a  
11          combined arms collective training facility at Fort  
12          Riley, Kansas);

13          (5) \$50,000,000 (the balance of the amount au-  
14          thorized under section 2101(a) for construction of a  
15          barracks complex, Range Road, at Fort Campbell,  
16          Kentucky); and

17          (6) \$25,000,000 (the balance of the amount au-  
18          thorized under section 2101(a) for construction of a  
19          consolidated maintenance complex at Fort Sill, Okla-  
20          homa).

21          (c) ADJUSTMENT.—The total amount authorized to  
22          be appropriated pursuant to paragraphs (1) through (17)  
23          of subsection (a) is the sum of the amounts authorized  
24          to be appropriated in such paragraphs, reduced by—

1           (1) \$18,596,000, which represents savings re-  
 2           sulting from adjustments to foreign currency ex-  
 3           change rates for military construction, military fam-  
 4           ily housing construction, and military family housing  
 5           support outside the United States; and

6           (2) \$29,350,000, which represents adjustments  
 7           for the accounting of civilian personnel benefits.

8   **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 9                           **CERTAIN FISCAL YEAR 2002 PROJECTS.**

10          (a) MODIFICATION.—The table in section 2101(a) of  
 11          the Military Construction Authorization Act for Fiscal  
 12          Year 2002 (division B of Public Law 107-107; 115 Stat.  
 13          1281) is amended—

14               (1) in the item relating to Fort Carson, Colo-  
 15               rado, by striking “\$66,000,000” in the amount col-  
 16               umn and inserting “\$67,000,000”; and

17               (2) in the item relating to Fort Jackson, South  
 18               Carolina, by striking “\$65,650,000” in the amount  
 19               column and inserting “\$68,650,000”.

20          (b) CONFORMING AMENDMENTS.—Section 2104(b)  
 21          of that Act (115 Stat. 1284) is amended—

22               (1) in paragraph (3), by striking  
 23               “\$41,000,000” and inserting “\$42,000,000”; and

24               (2) in paragraph (4), by striking  
 25               “\$36,000,000” and inserting “\$39,000,000”.

1 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2000 PROJECT.**

3 (a) MODIFICATION.—The table in section 2401(a) of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2000 (division B of Public Law 106–65; 113 Stat.  
6 835), as amended by section 2405 of the Military Con-  
7 struction Authorization Act for Fiscal Year 2002 (division  
8 B of Public Law 107–107; 115 Stat. 1298), is further  
9 amended—

10 (1) under the agency heading relating to Chem-  
11 ical Demilitarization, in the item relating to Blue  
12 Grass Army Depot, Kentucky, by striking  
13 “\$254,030,000” in the amount column and inserting  
14 “\$290,325,000”; and

15 (2) by striking the amount identified as the  
16 total in the amount column and inserting  
17 “\$748,245,000”.

18 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
19 of that Act (113 Stat. 839), as so amended, is further  
20 amended by striking “\$231,230,000” and inserting  
21 “\$267,525,000”.

22 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**  
23 **CERTAIN FISCAL YEAR 1999 PROJECT.**

24 (a) MODIFICATION.—The table in section 2401(a) of  
25 the Military Construction Authorization Act for Fiscal

1 Year 1999 (division B of Public Law 105–261; 112 Stat.  
2 2193) is amended—

3 (1) under the agency heading relating to Chem-  
4 ical Demilitarization, in the item relating to Newport  
5 Army Depot, Indiana, by striking “\$191,550,000”  
6 in the amount column and inserting  
7 “\$293,853,000”; and

8 (2) by striking the amount identified as the  
9 total in the amount column and inserting  
10 “\$829,919,000”.

11 (b) CONFORMING AMENDMENT.—Section 2404(b)(2)  
12 of that Act (112 Stat. 2196) is amended by striking  
13 “\$162,050,000” and inserting “\$264,353,000”.

14 **SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT**  
15 **CERTAIN FISCAL YEAR 1997 PROJECT.**

16 (a) MODIFICATION.—The table in section 2401(a) of  
17 the Military Construction Authorization Act for Fiscal  
18 Year 1997 (division B of Public Law 104–201; 110 Stat.  
19 2775), as amended by section 2406 of the Military Con-  
20 struction Authorization Act for Fiscal Year 2000 (division  
21 B of Public Law 106–65; 113 Stat. 839), is further  
22 amended—

23 (1) under the agency heading relating to Chem-  
24 ical Demilitarization Program, in the item relating  
25 to Pueblo Chemical Activity, Colorado, by striking

1 “\$203,500,000” in the amount column and inserting  
 2 “\$261,000,000”; and

3 (2) by striking the amount identified as the  
 4 total in the amount column and inserting  
 5 “\$607,454,000”.

6 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
 7 of that Act (110 Stat. 2779), as so amended, is further  
 8 amended by striking “\$203,500,000” and inserting  
 9 “\$261,000,000”.

## 10 **TITLE XXII—NAVY**

### 11 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 12 **ACQUISITION PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts  
 14 appropriated pursuant to the authorization of appropria-  
 15 tions in section 2204(a)(1), the Secretary of the Navy may  
 16 acquire real property and carry out military construction  
 17 projects for the installations and locations inside the  
 18 United States, and in the amounts, set forth in the fol-  
 19 lowing table:

**Navy: Inside the United States**

State	Installation or location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$3,000,000
California .....	Marine Corps Air Station, Miramar .....	\$8,700,000
	Marine Corps Air Ground Combat Center, Twentynine Palms.	\$25,770,000
	Marine Corps Base, Camp Pendleton .....	\$104,200,000
	Naval Air Station, Lemoore .....	\$35,855,000
	Naval Air Station, San Diego .....	\$6,150,000
	Naval Air Warfare Center, Point Mugu	\$6,760,000
	Naval Construction Battalion Center, Port Hueneme.	\$6,957,000
	Naval PostGraduate School, Monterey ...	\$2,020,000
	Naval Station, San Diego .....	\$12,210,000
Connecticut .....	Naval Submarine Base, New London .....	\$7,880,000

**Navy: Inside the United States**—Continued

State	Installation or location	Amount
District of Columbia .....	Marine Corps Base, Washington .....	\$3,700,000
	Naval District, Washington .....	\$2,690,000
Florida .....	Eglin Air Force Base .....	\$6,350,000
	Naval Air Station, Jacksonville .....	\$6,770,000
	Naval Air Station, Mayport .....	\$1,900,000
	Naval Air Station, Pensacola .....	\$990,000
	Panama City .....	\$10,700,000
Georgia .....	Naval Submarine Base, Kings Bay .....	\$1,580,000
Hawaii .....	Ford Island .....	\$19,400,000
	Marine Corps Base, Hawaii .....	\$9,500,000
	Naval Station, Pearl Harbor .....	\$14,690,000
Illinois .....	Naval Training Center, Great Lakes .....	\$93,190,000
Maine .....	Naval Air Station, Brunswick .....	\$9,830,000
	Naval Shipyard, Portsmouth .....	\$15,200,000
Maryland .....	Andrews Air Force Base .....	\$9,680,000
	Naval Surface Warfare Center, Carderock Division.	\$12,900,000
Mississippi .....	Naval Air Station, Meridian .....	\$2,850,000
	Naval Construction Battalion Center, Gulfport.	\$5,460,000
	Naval Station, Pascagoula .....	\$25,305,000
New Jersey .....	Naval Air Warfare Center, Lakehurst ....	\$5,200,000
	Naval Weapons Station, Earle .....	\$5,600,000
North Carolina .....	Camp LeJeune .....	\$5,370,000
	Marine Corps Air Station, Cherry Point	\$6,040,000
	Marine Corps Air Station, New River ....	\$6,920,000
Rhode Island .....	Naval Station, Newport .....	\$9,030,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$13,700,000
	Marine Corps Recruit Depot, Parris Is- land.	\$10,490,000
	Naval Weapons Station, Charleston .....	\$5,740,000
Texas .....	Naval Air Station, Kingsville .....	\$6,210,000
	Naval Station, Ingleside .....	\$5,480,000
Virginia .....	Marine Corps Combat Development Command, Quantico.	\$19,554,000
	Naval Amphibious Base, Little Creek ....	\$9,770,000
	Naval Air Station, Norfolk .....	\$2,260,000
	Naval Air Station, Oceana .....	\$16,490,000
	Naval Ship Yard, Norfolk .....	\$36,470,000
	Naval Station, Norfolk .....	\$168,965,000
	Naval Surface Warfare Center, Dahlgren	\$15,830,000
	Naval Weapons Station, Yorktown .....	\$15,020,000
Washington .....	Naval Air Station, Whidbey Island .....	\$17,580,000
	Naval Magazine, Port Hadlock .....	\$4,030,000
	Naval Shipyard, Puget Sound .....	\$54,132,000
	Naval Station, Bremerton .....	\$45,870,000
	Naval Submarine Base, Bangor .....	\$22,310,000
	Strategic Weapons Facility, Bangor .....	\$7,340,000
Various Locations .....	Host Nation Infrastructure .....	\$1,000,000
	Total .....	\$988,588,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction

- 1 projects for the locations outside the United States, and  
 2 in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or location	Amount
Bahrain .....	Naval Support Activity, Bahrain .....	\$25,970,000
Cuba .....	Naval Station, Guantanamo .....	\$4,280,000
Diego Garcia .....	Diego Garcia, Naval Support Facility .....	\$11,090,000
Greece .....	Naval Support Activity, Joint Headquarters Command, Larissa.	\$14,800,000
Guam .....	Commander, United States Naval Forces, Guam.	\$13,400,000
Iceland .....	Naval Air Station, Keflavik .....	\$14,920,000
Italy .....	Naval Air Station, Sigonella .....	\$66,960,000
Spain .....	Joint Headquarters Command, Madrid ..	\$2,890,000
	Naval Station, Rota .....	\$18,700,000
	Total .....	\$173,010,000

3 **SEC. 2202. FAMILY HOUSING.**

- 4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2204(a)(5)(A), the Secretary of the  
 7 Navy may construct or acquire family housing units (in-  
 8 cluding land acquisition and supporting facilities) at the  
 9 installations, for the purposes, and in the amounts set  
 10 forth in the following table:

**Navy: Family Housing**

State or Country	Installation or location	Purpose	Amount
California .....	Naval Air Station, Lemoore.	178 Units .....	\$40,981,000
	Twentynine Palms .....	76 Units .....	\$19,425,000
Connecticut .....	Naval Submarine Base, New London.	100 Units .....	\$24,415,000
Florida .....	Naval Station, Mayport	1 Unit .....	\$329,000
Hawaii .....	Marine Corps Base, Kaneohe Bay.	65 Units .....	\$24,797,000
Mississippi .....	Naval Air Station, Meridian.	56 Units .....	\$9,755,000
North Carolina .....	Marine Corps Base, Camp LeJeune.	317 Units .....	\$43,650,000
Virginia .....	Marine Corps Base, Quantico.	290 Units .....	\$41,843,000
Greece .....	Naval Support Activity Joint Headquarters Command, Larissa.	2 Units .....	\$1,232,000

**Navy: Family Housing**—Continued

<b>State or Country</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
United Kingdom ....	Joint Maritime Facility, St. Mawgan.	62 Units .....	\$18,524,000
		Total .....	\$224,951,000

1       (b) PLANNING AND DESIGN.—Using amounts appro-  
2       priated pursuant to the authorization of appropriation in  
3       section 2204(a)(5)(A), the Secretary of the Navy may  
4       carry out architectural and engineering services and con-  
5       struction design activities with respect to the construction  
6       or improvement of military family housing units in an  
7       amount not to exceed \$11,281,000.

8       **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9               **UNITS.**

10       Subject to section 2825 of title 10, United States  
11       Code, and using amounts appropriated pursuant to the  
12       authorization of appropriations in section 2204(a)(5)(A),  
13       the Secretary of the Navy may improve existing military  
14       family housing units in an amount not to exceed  
15       \$139,468,000.

16       **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

17       (a) IN GENERAL.—Funds are hereby authorized to  
18       be appropriated for fiscal years beginning after September  
19       30, 2002, for military construction, land acquisition, and  
20       military family housing functions of the Department of the  
21       Navy in the total amount of \$2,478,174,000, as follows:



1           (1) For military construction projects inside the  
2       United States authorized by section 2201(a),  
3       \$932,123,000.

4           (2) For military construction projects outside  
5       the United States authorized by section 2201(b),  
6       \$170,440,000.

7           (3) For unspecified minor construction projects  
8       authorized by section 2805 of title 10, United States  
9       Code, \$23,262,000.

10          (4) For architectural and engineering services  
11       and construction design under section 2807 of title  
12       10, United States Code, \$89,803,000.

13          (5) For military family housing functions:

14               (A) For construction and acquisition, plan-  
15       ning and design, and improvement of military  
16       family housing and facilities, \$375,700,000.

17               (B) For support of military family housing  
18       (including functions described in section 2833  
19       of title 10, United States Code), \$867,788,000.

20          (6) For replacement of a pier at Naval Station,  
21       Norfolk, Virginia, authorized in section 2201(a) of  
22       the Military Construction Authorization Act for Fis-  
23       cal Year 2002 (division B of Public Law 107–107;  
24       115 Stat. 1287), as amended by section 2205 of this  
25       Act, \$33,520,000.

1       (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
2 PROJECTS.—Notwithstanding the cost variations author-  
3 ized by section 2853 of title 10, United States Code, and  
4 any other cost variation authorized by law, the total cost  
5 of all projects carried out under section 2201 of this Act  
6 may not exceed—

7           (1) the total amount authorized to be appro-  
8 priated under paragraphs (1) and (2) of subsection  
9 (a):

10           (2) \$8,345,000 (the balance of the amount au-  
11 thorized under section 2201(a) for a bachelors en-  
12 listed quarters shipboard ashore, Naval Station,  
13 Pascagoula, Mississippi);

14           (3) \$48,120,000 (the balance of the amount au-  
15 thorized under section 2201(a) for a bachelors en-  
16 listed quarters shipboard ashore, Naval Station,  
17 Norfolk, Virginia); and

18           (4) \$2,570,000 (the balance of the amount au-  
19 thorized under section 2201(b) for a quality of life  
20 support facility, Naval Air Station Sigonella, Italy).

21       (c) ADJUSTMENT.—The total amount authorized to  
22 be appropriated pursuant to paragraphs (1) through (6)  
23 of subsection (a) is the sum of the amounts authorized  
24 to be appropriated in such paragraphs, reduced by—

1           (1) \$3,992,000, which represents savings result-  
 2           ing from adjustments to foreign currency exchange  
 3           rates for military construction, military family hous-  
 4           ing construction, and military family housing sup-  
 5           port outside the United States; and

6           (2) \$10,470,000, which represents adjustments  
 7           for the accounting of civilian personnel benefits.

8   **SEC. 2205. MODIFICATION TO CARRY OUT CERTAIN FISCAL**  
 9                           **YEAR 2002 PROJECTS.**

10       (a) MILITARY CONSTRUCTION PROJECT AT NAVAL  
 11       STATION, NORFOLK, VIRGINIA.—The table in section  
 12       2201(a) of the Military Construction Authorization Act  
 13       for Fiscal Year 2002 (division B of Public Law 107–107;  
 14       115 Stat. 1286) is amended—

15           (1) in the item relating to Naval Station, Nor-  
 16       folk, Virginia, by striking “\$139,270,000” in the  
 17       amount column and inserting “\$139,550,000”; and

18           (2) by striking the amount identified as the  
 19       total in the amount column and inserting  
 20       “\$1,059,030,000”.

21       (b) CONFORMING AMENDMENT.—Section 2204(b)(2)  
 22       of that Act (115 Stat. 1289) is amended by striking  
 23       “\$33,240,000” and inserting “\$33,520,000”.

24       (c) MILITARY FAMILY HOUSING AT QUANTICO, VIR-  
 25       GINIA.—The table in section 2202(a) of that Act (115

1 Stat. 1287) is amended in the item relating to Marine  
 2 Corps Combat Development Command, Quantico, Vir-  
 3 ginia, by striking “60 Units” in the purpose column and  
 4 inserting “39 Units”.

## 5 **TITLE XXIII—AIR FORCE**

### 6 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 7 **LAND ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts  
 9 appropriated pursuant to the authorization of appropria-  
 10 tions in section 2304(a)(1), the Secretary of the Air Force  
 11 may acquire real property and carry out military construc-  
 12 tion projects for the installations and locations inside the  
 13 United States, and in the amounts, set forth in the fol-  
 14 lowing table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alaska .....	Clear Air Force Station .....	\$14,400,000
	Eielson Air Force Base .....	\$41,100,000
Arizona .....	Davis-Monthan Air Force Base .....	\$19,270,000
Arkansas .....	Little Rock Air Force Base .....	\$25,600,000
California .....	Beale Air Force Base .....	\$11,740,000
	Travis Air Force Base .....	\$23,900,000
	Vandenberg Air Force Base .....	\$10,500,000
Colorado .....	Buckley Air Force Base .....	\$17,700,000
	Peterson Air Force Base .....	\$5,500,000
	Schriever Air Force Base .....	\$5,700,000
	United States Air Force Academy ...	\$4,200,000
District of Columbia .....	Bolling Air Force Base .....	\$5,000,000
Florida .....	Eglin Air Force Base .....	\$4,250,000
	Hurlburt Field .....	\$15,000,000
	MacDill Air Force Base .....	\$7,000,000
Georgia .....	Robins Air Force Base .....	\$5,400,000
	Warner-Robins Air Force Base .....	\$24,000,000
Hawaii .....	Hickam Air Force Base .....	\$1,350,000
Louisiana .....	Barksdale Air Force Base .....	\$22,900,000
Maryland .....	Andrews Air Force Base .....	\$9,600,000
Massachusetts .....	Fourth Cliff, Scituate .....	\$9,500,000
	Hanscom Air Force Base .....	\$7,700,000
Mississippi .....	Keesler Air Force Base .....	\$22,000,000
Nebraska .....	Offutt Air Force Base .....	\$11,000,000
Nevada .....	Nellis Air Force Base .....	\$56,850,000
New Jersey .....	McGuire Air Force Base .....	\$24,631,000

**Air Force: Inside the United States**—Continued

State	Installation or location	Amount
New Mexico .....	Cannon Air Force Base .....	\$4,650,000
	Holloman Air Force Base .....	\$4,650,000
	Kirtland Air Force Base .....	\$21,900,000
North Carolina .....	Pope Air Force Base .....	\$9,700,000
	Seymour Johnson Air Force Base ...	\$10,600,000
North Dakota .....	Minot Air Force Base .....	\$18,000,000
Ohio .....	Wright-Patterson Air Force Base ...	\$35,400,000
Oklahoma .....	Altus Air Force Base .....	\$14,800,000
	Vance Air Force Base .....	\$4,800,000
South Carolina .....	Shaw Air Force Base .....	\$6,500,000
South Dakota .....	Ellsworth Air Force Base .....	\$13,200,000
Texas .....	Goodfellow Air Force Base .....	\$10,600,000
	Lackland Air Force Base .....	\$41,500,000
	Sheppard Air Force Base .....	\$16,000,000
Utah .....	Hill Air Force Base .....	\$16,500,000
Virginia .....	Langley Air Force Base .....	\$71,940,000
Wyoming .....	F.E. Warren Air Force Base .....	\$15,000,000
	Total .....	\$721,531,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Germany .....	Ramstein Air Base .....	\$71,783,000
Guam .....	Andersen Air Force Base .....	\$31,000,000
Italy .....	Aviano Air Base .....	\$6,600,000
Japan .....	Kadena Air Base .....	\$6,000,000
Korea .....	Osan Air Base .....	\$15,100,000
Spain .....	Naval Station, Rota .....	\$31,818,000
Turkey .....	Incirlik Air Base .....	\$1,550,000
United Kingdom .....	Diego Garcia .....	\$17,100,000
	Royal Air Force, Fairford .....	\$19,000,000
	Royal Air Force, Lakenheath .....	\$13,400,000
Wake Island .....	Wake Island .....	\$24,900,000
	Total .....	\$238,251,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-

tions in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Locations .....	\$24,993,000

## 5 SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

State or Country	Installation or location	Purpose	Amount
Arizona .....	Luke Air Force Base ..	140 Units .....	\$18,954,000
California .....	Travis Air Force Base	110 Units .....	\$24,320,000
Colorado .....	Peterson Air Force Base.	2 Units .....	\$959,000
	United States Air Force Academy.	71 Units .....	\$12,424,000
Delaware .....	Dover Air Force Base	112 Units .....	\$19,615,000
Florida .....	Eglin Air Force Base ..	Housing Office	\$597,000
	Eglin Air Force Base ..	134 Units .....	\$15,906,000
	MacDill Air Force Base.	96 Units .....	\$18,086,000
Hawaii .....	Hickam Air Force Base.	96 Units .....	\$29,050,000
Idaho .....	Mountain Home Air Force Base.	95 Units .....	\$24,392,000
Kansas .....	McConnell Air Force Base.	Housing Maintenance Facility.	\$1,514,000
Maryland .....	Andrews Air Force Base.	53 Units .....	\$9,838,000
	Andrews Air Force Base.	52 Units .....	\$8,807,000
Mississippi .....	Columbus Air Force Base.	Housing Office	\$412,000

**Air Force: Family Housing—Continued**

<b>State or Country</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
Missouri .....	Keesler Air Force Base	117 Units .....	\$16,605,000
	Whiteman Air Force Base.	22 Units .....	\$3,977,000
Montana .....	Malmstrom Air Force Base.	18 Units .....	\$4,717,000
New Mexico .....	Holloman Air Force Base.	101 Units .....	\$20,161,000
North Carolina .....	Pope Air Force Base ...	Housing Maintenance Facility.	\$991,000
North Dakota .....	Seymour Johnson Air Force Base.	126 Units .....	\$18,615,000
	Grand Forks Air Force Base.	150 Units .....	\$30,140,000
	Minot Air Force Base	112 Units .....	\$21,428,000
Oklahoma .....	Minot Air Force Base	102 Units .....	\$20,315,000
	Vance Air Force Base	59 Units .....	\$11,423,000
South Dakota .....	Ellsworth Air Force Base.	Housing Maintenance Facility.	\$447,000
Texas .....	Ellsworth Air Force Base.	22 Units .....	\$4,794,000
	Dyess Air Force Base	85 Units .....	\$14,824,000
	Randolph Air Force Base.	Housing Maintenance Facility.	\$447,000
	Randolph Air Force Base.	112 Units .....	\$14,311,000
Virginia .....	Langley Air Force Base.	Housing Office	\$1,193,000
Germany .....	Ramstein Air Force Base.	19 Units .....	\$8,534,000
Korea .....	Osan Air Base .....	113 Units .....	\$35,705,000
	Osan Air Base .....	Housing Supply Warehouse.	\$834,000
United Kingdom .....	Royal Air Force Lakenheath.	Housing Office and Maintenance Facility.	\$2,203,000
Total .....			\$416,438,000

1 (b) PLANNING AND DESIGN.—Using amounts appropriate pursuant to the authorization of appropriations in

2 section 2304(a)(6)(A), the Secretary of the Air Force may

3 carry out architectural and engineering services and construction design activities with respect to the construction

4 or improvement of military family housing units in an

5 amount not to exceed \$34,188,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2304(a)(6)(A),  
6 the Secretary of the Air Force may improve existing mili-  
7 tary family housing units in an amount not to exceed  
8 \$226,068,000.

9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
10 **FORCE.**

11 (a) IN GENERAL.—Funds are hereby authorized to  
12 be appropriated for fiscal years beginning after September  
13 30, 2002, for military construction, land acquisition, and  
14 military family housing functions of the Department of the  
15 Air Force in the total amount of \$2,597,272,000, as fol-  
16 lows:

17 (1) For military construction projects inside the  
18 United States authorized by section 2301(a),  
19 \$709,431,000.

20 (2) For military construction projects outside  
21 the United States authorized by section 2301(b),  
22 \$238,251,000.

23 (3) For the military construction projects at  
24 unspecified worldwide locations authorized by section  
25 2301(c), \$24,993,000.



1           (4) For unspecified minor construction projects  
2           authorized by section 2805 of title 10, United States  
3           Code, \$11,500,000.

4           (5) For architectural and engineering services  
5           and construction design under section 2807 of title  
6           10, United States Code, \$81,416,000.

7           (6) For military housing functions:

8                 (A) For construction and acquisition, plan-  
9                 ning and design, and improvement of military  
10                family housing and facilities, \$676,694,000.

11               (B) For support of military family housing  
12                (including functions described in section 2833  
13                of title 10, United States Code), \$874,050,000.

14       (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
15   PROJECTS.—Notwithstanding the cost variations author-  
16   ized by section 2853 of title 10, United States Code, and  
17   any other cost variation authorized by law, the total cost  
18   of all projects carried out under section 2301 of this Act  
19   may not exceed—

20           (1) the total amount authorized to be appro-  
21           priated under paragraphs (1), (2) and (3) of sub-  
22           section (a);

23           (2) \$7,100,000 (the balance of the amount au-  
24           thorized under section 2301(a) for construction of a

1 consolidated base engineer complex at Altus Air  
 2 Force Base, Oklahoma); and

3 (3) \$5,000,000 (the balance of the amount au-  
 4 thorized under section 2301(a) for construction of a  
 5 storm drainage system at F.E. Warren Air Force  
 6 Base, Wyoming).

7 (c) ADJUSTMENT.—The total amount authorized to  
 8 be appropriated pursuant to paragraphs (1) through (6)  
 9 of subsection (a) is the sum of the amounts authorized  
 10 to be appropriated in such paragraphs, reduced by  
 11 \$19,063,000, which represents savings resulting from ad-  
 12 justments to foreign currency exchange rates for military  
 13 construction, military family housing construction, and  
 14 military family housing support outside the United States.

## 15 **TITLE XXIV—DEFENSE** 16 **AGENCIES**

### 17 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 18 **TION AND LAND ACQUISITION PROJECTS.**

19 (a) INSIDE THE UNITED STATES.—Using amounts  
 20 appropriated pursuant to the authorization of appropria-  
 21 tions in section 2404(a)(1), the Secretary of Defense may  
 22 acquire real property and carry out military construction  
 23 projects for the installations and locations inside the  
 24 United States, and in the amounts, set forth in the fol-  
 25 lowing table:

**Defense Agencies: Inside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Missile Defense Agency .....	Kauai, Hawaii .....	\$23,400,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia.	\$121,958,000
Defense Logistics Agency .....	Defense Supply Center, Columbus, Ohio.	\$5,021,000
	Defense Supply Center, Richmond, Virginia .....	\$5,500,000
	Naval Air Station, New Orleans, Louisiana .....	\$9,500,000
	Travis Air Force Base, California ....	\$16,000,000
Defense Threat Reduction Agency.	Fort Belvoir, Virginia .....	\$76,388,000
Department of Defense Dependents Schools.	Fort Bragg, North Carolina .....	\$2,036,000
	Fort Jackson, South Carolina .....	\$2,506,000
	Marine Corps Base, Camp LeJeune, North Carolina .....	\$12,138,000
	Marine Corps Base, Quantico, Virginia .....	\$1,418,000
	United States Military Academy, West Point, New York .....	\$4,347,000
Joint Chiefs of Staff .....	Conus Various .....	\$25,000,000
National Security Agency .....	Fort Meade, Maryland .....	\$4,484,000
Special Operations Command	Fort Bragg, North Carolina .....	\$30,800,000
	Hurlburt Field, Florida .....	\$11,100,000
	Naval Amphibious Base, Little Creek, Virginia .....	\$14,300,000
	Stennis Space Center, Mississippi ....	\$5,000,000
TRICARE Management Activity.	Elmendorf Air Force Base, Alaska ..	\$10,400,000
	Hickam Air Force Base, Hawaii .....	\$2,700,000
Washington Headquarters Services.	Arlington, Virginia .....	\$18,000,000
	Washington Headquarters Services, District of Columbia.	\$2,500,000
	Total .....	\$404,496,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2404(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Logistics Agency .....	Andersen Air Force Base, Guam .....	\$17,586,000
	Lajes Field, Azores, Portugal .....	\$19,000,000

**Defense Agencies: Outside the United States**—Continued

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Department of Defense Dependents Schools.	Naval Forces Marianas Islands, Guam .....	\$6,000,000
	Naval Station, Rota, Spain .....	\$23,400,000
	Royal Air Force, Fairford, United Kingdom .....	\$17,000,000
	Yokota Air Base, Japan .....	\$23,000,000
	Kaiserslautern, Germany .....	\$957,000
	Lajes Field, Azores, Portugal .....	\$1,192,000
	Seoul, Korea .....	\$31,683,000
	Mons, Belgium .....	\$1,573,000
	Spangdahlem Air Base, Germany ....	\$997,000
	Vicenza, Italy .....	\$2,117,000
TRICARE Management Activity.	Naval Support Activity, Naples, Italy.	\$41,449,000
	Spangdahlem Air Base, Germany ....	\$39,629,000
	Total .....	\$225,583,000

**1 SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
**2 UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2404(a)(8)(A),  
6 the Secretary of Defense may improve existing military  
7 family housing units in an amount not to exceed  
8 \$5,480,000.

**9 SEC. 2403. ENERGY CONSERVATION PROJECTS.**

10 Using amounts appropriated pursuant to the author-  
11 ization of appropriations in section 2404(a)(4), the Sec-  
12 retary of Defense may carry out energy conservation  
13 projects under section 2865 of title 10, United States  
14 Code, in the amount of \$50,531,000.

1 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
2 **FENSE AGENCIES.**

3 (a) IN GENERAL.—Funds are hereby authorized to  
4 be appropriated for fiscal years beginning after September  
5 30, 2002, for military construction, land acquisition, and  
6 military family housing functions of the Department of  
7 Defense (other than the military departments) in the total  
8 amount of \$1,316,972,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2401(a),  
11 \$367,896,000.

12 (2) For military construction projects outside  
13 the United States authorized by section 2401(b),  
14 \$225,583,000.

15 (3) For unspecified minor construction projects  
16 under section 2805 of title 10, United States Code,  
17 \$16,293,000.

18 (4) For contingency construction projects of the  
19 Secretary of Defense under section 2804 of title 10,  
20 United States Code, \$10,000,000.

21 (5) For architectural and engineering services  
22 and construction design under section 2807 of title  
23 10, United States Code, \$44,232,000.

24 (6) For energy conservation projects authorized  
25 by section 2403 of this Act, \$50,531,000.

1           (7) For base closure and realignment activities  
2       as authorized by the Defense Base Closure and Re-  
3       alignment Act of 1990 (part A of title XXIX of  
4       Public Law 101–510; 10 U.S.C. 2687 note),  
5       \$545,138,000.

6           (8) For military family housing functions:

7               (A) For improvement of military family  
8       housing and facilities, \$5,480,000.

9               (B) For support of military family housing  
10      (including functions described in section 2833  
11      of title 10, United States Code), \$42,432,000.

12              (C) For credit to the Department of De-  
13      fense Family Housing Improvement Fund es-  
14      tablished by section 2883(a)(1) of title 10,  
15      United States Code, \$2,000,000.

16           (9) For payment of a claim against the Hos-  
17      pital Replacement project at Elmendorf Air Force  
18      Base, Alaska, \$10,400,000.

19       (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
20      PROJECTS.—Notwithstanding the cost variations author-  
21      ized by section 2853 of title 10, United States Code, and  
22      any other cost variation authorized by law, the total cost  
23      of all projects carried out under section 2401 of this Act  
24      may not exceed—

1           (1) the total amount authorized to be appro-  
2       priated under paragraphs (1) and (2) of subsection  
3       (a); and

4           (2) \$26,200,000 (the balance of the amount au-  
5       thorized under section 2401(a) for the construction  
6       of the Defense Threat Reduction Center, Fort  
7       Belvoir, Virginia).

8       (c) ADJUSTMENT.—The total amount authorized to  
9       be appropriated pursuant to paragraphs (1) through (9)  
10      of subsection (a) is the sum of the amounts authorized  
11      to be appropriated in such paragraphs, reduced by—

12           (1) \$2,976,000, which represents savings result-  
13      ing from adjustments to foreign currency exchange  
14      rates for military construction, military family hous-  
15      ing construction, and military family housing sup-  
16      port outside the United States; and

17           (2) \$37,000, which represents adjustments for  
18      the accounting of civilian personnel benefits.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7       The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16       Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2002, for con-  
18 tributions by the Secretary of Defense under section 2806  
19 of title 10, United States Code, for the share of the United  
20 States of the cost of projects for the North Atlantic Treaty  
21 Organization Security Investment program authorized by  
22 section 2501, in the amount of \$168,200,000.



**TITLE XXVI—GUARD AND  
RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 2002, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$183,008,000; and

(B) for the Army Reserve, \$62,992,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$58,671,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$204,059,000; and

(B) for the Air Force Reserve, \$59,883,000.

1 **TITLE XXVII—EXPIRATION AND**  
2 **EXTENSION OF AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
8 YEARS.—Except as provided in subsection (b), all author-  
9 izations contained in titles XXI through XXVI for military  
10 construction projects, land acquisition, family housing  
11 projects and facilities, and contributions to the North At-  
12 lantic Treaty Organization Security Investment program  
13 (and authorizations of appropriations therefor) shall ex-  
14 pire on the later of—

15 (1) October 1, 2005; or

16 (2) the date of the enactment of an Act author-  
17 izing funds for military construction for fiscal year  
18 2006.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
20 authorizations for military construction projects, land ac-  
21 quisition, family housing projects, and facilities, and con-  
22 tributions to the North Atlantic Treaty Organization Se-  
23 curity Investment program (and authorizations of appro-  
24 priations therefor) for which appropriated funds have been  
25 obligated before the later of—

1 (1) October 1, 2005; or

2 (2) the date of the enactment of an Act author-  
 3 ized funds for fiscal year 2005 for military construc-  
 4 tion projects, land acquisition, family housing  
 5 projects and facilities, and contributions to the  
 6 North Atlantic Treaty Organization Security Invest-  
 7 ment program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 2000 PROJECTS.**

10 (a) EXTENSION OF CERTAIN PROJECTS.—Notwith-  
 11 standing section 2701 of the Military Construction Au-  
 12 thorization Act for Fiscal Year 2000 (division B of Public  
 13 Law 106–65; 113 Stat. 841), authorizations set forth in  
 14 the tables in subsection (b), as provided in section 2302  
 15 or 2601 of that Act, shall remain in effect until October  
 16 1, 2003, or the date of the enactment of an Act author-  
 17 izing funds for military construction for fiscal year 2004,  
 18 whichever is later.

19 (b) TABLES.—The tables referred to in subsection (a)  
 20 are as follows:

**Air Force: Extension of 2000 Project Authorization**

State	Installation or loca- tion	Project	Amount
Oklahoma .....	Tinker Air Force Base	Replace Family Housing (41 Units).	\$6,000,000

**Army National Guard: Extension of 2000 Project Authorization**

State	Installation or location	Project	Amount
Virginia .....	Fort Pickett .....	Multi-Purpose Range Complex—Heavy.	\$13,500,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1999 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 1999 (division B of Public Law 105–261; 112 Stat.  
6 2199), authorizations set forth in the table in subsection  
7 (b), as provided in section 2302 of that Act and extended  
8 by section 2702 of the Military Construction Authoriza-  
9 tion Act for Fiscal Year 2002 (division B of Public Law  
10 107–107; 115 Stat. 1301), shall remain in effect until Oc-  
11 tober 1, 2003, or the date of the enactment of an Act  
12 authorizing funds for military construction for fiscal year  
13 2004, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)  
15 is as follows:

**Air Force: Extension of 1999 Project Authorizations**

State	Installation or location	Project	Amount
Delaware .....	Dover Air Force Base	Replace Family Housing (55 Units).	\$8,988,000
Florida .....	Patrick Air Force Base	Replace Family Housing (46 Units).	\$9,692,000
New Mexico .....	Kirtland Air Force Base.	Replace Family Housing (37 Units).	\$6,400,000
Ohio .....	Wright-Patterson Air Force Base.	Replace Family Housing (40 Units).	\$5,600,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and  
3 XXVII of this Act shall take effect on the later of—

4 (1) October 1, 2002; or

5 (2) the date of the enactment of this Act.

6 **TITLE XXVIII—GENERAL**  
7 **PROVISIONS**

8 **Subtitle A—Military Construction**  
9 **Program and Military Family**  
10 **Housing Changes**

11 **SEC. 2801. LEASE OF MILITARY FAMILY HOUSING IN**  
12 **KOREA.**

13 (a) INCREASE IN NUMBER OF UNITS AUTHORIZED  
14 FOR LEASE AT CURRENT MAXIMUM AMOUNT.—Para-  
15 graph (3) of section 2828(e) of title 10, United States  
16 Code, is amended by striking “800 units” and inserting  
17 “1,175 units”.

18 (b) AUTHORITY TO LEASE ADDITIONAL NUMBER OF  
19 UNITS AT INCREASED MAXIMUM AMOUNT.—That section  
20 is further amended—

21 (1) by redesignating paragraphs (4) and (5) as  
22 paragraphs (5) and (6), respectively;

23 (2) by inserting after paragraph (3) the fol-  
24 lowing new paragraph (4):

25 “(4) In addition to the units of family housing re-  
26 ferred to in paragraph (1) for which the maximum lease

1 amount is \$25,000 per unit per year, the Secretary of the  
 2 Army may lease not more than 2,400 units of family hous-  
 3 ing in Korea subject to a maximum lease amount of  
 4 \$35,000 per unit per year.”;

5 (3) in paragraph (5), as so redesignated, by  
 6 striking “and (3)” and inserting “(3), and (4)”; and

7 (4) in paragraph (6), as so redesignated, by  
 8 striking “53,000” and inserting “55,775”.

9 **SEC. 2802. REPEAL OF SOURCE REQUIREMENTS FOR FAM-**  
 10 **ILY HOUSING CONSTRUCTION OVERSEAS.**

11 Section 803 of the Military Construction Authoriza-  
 12 tion Act, 1984 (Public Law 98–115; 10 U.S.C. 2821 note)  
 13 is repealed.

14 **Subtitle B—Real Property and**  
 15 **Facilities Administration**

16 **SEC. 2811. AGREEMENTS WITH PRIVATE ENTITIES TO EN-**  
 17 **HANCE MILITARY TRAINING, TESTING, AND**  
 18 **OPERATIONS.**

19 (a) IN GENERAL.—Chapter 159 of title 10, United  
 20 States Code, is amended by inserting after section 2696  
 21 the following new section:

22 **“§ 2697. Agreements with private entities to enhance**  
 23 **military training, testing, and operations**

24 **“(a) AGREEMENTS WITH PRIVATE ENTITIES AU-**  
 25 **THORIZED.—**The Secretary of Defense or the Secretary

1 of a military department may enter into an agreement  
2 with a private entity described in subsection (b) to address  
3 the use or development of real property in the vicinity of  
4 an installation under the jurisdiction of such Secretary for  
5 purposes of—

6 “(1) limiting any development or use of such  
7 property that would otherwise be incompatible with  
8 the mission of such installation; or

9 “(2) preserving habitat on such property in a  
10 manner that is compatible with both—

11 “(A) current or anticipated environmental  
12 requirements that would or might otherwise re-  
13 strict, impede, or otherwise interfere, whether  
14 directly or indirectly, with current or antici-  
15 pated military training, testing, or operations  
16 on such installation; and

17 “(B) current or anticipated military train-  
18 ing, testing, or operations on such installation.

19 “(b) COVERED PRIVATE ENTITIES.—A private entity  
20 described in this subsection is any private entity that has  
21 as its stated principal organizational purpose or goal the  
22 conservation, restoration, or preservation of land and nat-  
23 ural resources, or a similar purpose or goal.

1       “(c) INAPPLICABILITY OF CERTAIN CONTRACT RE-  
2       QUIREMENTS.—Chapter 63 of title 31 shall not apply to  
3       any agreement entered into under this section.

4       “(d) ACQUISITION AND ACCEPTANCE OF PROPERTY  
5       AND INTERESTS.—(1) Subject to the provisions of this  
6       subsection, an agreement with a private entity under this  
7       section—

8               “(A) may provide for the private entity to ac-  
9       quire all right, title, and interest in and to any real  
10      property, or any lesser interest therein, as may be  
11      appropriate for purposes of this section; and

12              “(B) shall provide for the private entity to  
13      transfer to the United States, upon the request of  
14      the United States, any property or interest so ac-  
15      quired.

16      “(2) Property or interests may not be acquired pursu-  
17      ant to an agreement under this section unless the owner  
18      of such property or interests, as the case may be, consents  
19      to the acquisition.

20      “(3) An agreement under this section providing for  
21      the acquisition of property or interests under paragraph  
22      (1)(A) shall provide for the sharing by the United States  
23      and the private entity concerned of the costs of the acqui-  
24      sition of such property or interests.



1       “(4) The Secretary concerned shall identify any prop-  
2   erty or interests to be acquired pursuant to an agreement  
3   under this section. Such property or interests shall be lim-  
4   ited to the minimum property or interests necessary to en-  
5   sure that the property concerned is developed and used  
6   in a manner appropriate for purposes of this section.

7       “(5) The Secretary concerned may accept on behalf  
8   of the United States any property or interest to be trans-  
9   ferred to the United States under paragraph (1)(B).

10       “(6) The Secretary concerned may, for purposes of  
11   the acceptance of property or interests under this sub-  
12   section, accept an appraisal or title documents prepared  
13   or adopted by a non-Federal entity as satisfying the appli-  
14   cable requirements of section 301 of the Uniform Reloca-  
15   tion Assistance and Real Property Acquisition Policies Act  
16   of 1970 (42 U.S.C. 4651) or section 355 of the Revised  
17   Statutes (40 U.S.C. 255) if the Secretary finds that such  
18   appraisal or title documents substantially comply with  
19   such requirements.

20       “(e) ADDITIONAL TERMS AND CONDITIONS.—The  
21   Secretary concerned may require such additional terms  
22   and conditions in an agreement under this section as such  
23   Secretary considers appropriate to protect the interests of  
24   the United States.

1       “(f) FUNDING.—(1) Except as provided in paragraph  
2 (2), amounts authorized to be appropriated to the Range  
3 Enhancement Initiative Fund of the Department of De-  
4 fense are available for purposes of any agreement under  
5 this section.

6       “(2) In the case of an installation operated primarily  
7 with funds authorized to be appropriated for research, de-  
8 velopment, test, and evaluation, funds authorized to be ap-  
9 propriated for the Department of Defense, or the military  
10 department concerned, for research, development, test,  
11 and evaluation are available for purposes of an agreement  
12 under this section with respect to such installation.

13       “(3) Amounts in the Fund that are made available  
14 for an agreement of a military department under this sec-  
15 tion shall be made available by transfer from the Fund  
16 to the applicable operation and maintenance account of  
17 the military department, including the operation and  
18 maintenance account for the active component, or for a  
19 reserve component, of the military department.”.

20       (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of such chapter is amended by inserting  
22 after the item relating to section 2696 the following new  
23 item:

“2697. Agreements with private entities to enhance military training, testing,  
and operations.”.

1 **SEC. 2812. CONVEYANCE OF SURPLUS REAL PROPERTY**  
2 **FOR NATURAL RESOURCE CONSERVATION.**

3 (a) IN GENERAL.—(1) Chapter 159 of title 10,  
4 United States Code, as amended by section 2811 of this  
5 Act, is further amended by inserting after section 2697  
6 the following new section:

7 **“§ 2698. Conveyance of surplus real property for nat-**  
8 **ural resource conservation**

9 “(a) AUTHORITY TO CONVEY.—Subject to subsection  
10 (c), the Secretary of a military department may, in the  
11 sole discretion of such Secretary, convey to any State or  
12 local government or instrumentality thereof, or private en-  
13 tity that has as its primary purpose or goal the conserva-  
14 tion of open space or natural resources on real property,  
15 all right, title, and interest of the United States in and  
16 to any real property, including any improvements thereon,  
17 under the jurisdiction of such Secretary that is described  
18 in subsection (b).

19 “(b) COVERED REAL PROPERTY.—Real property de-  
20 scribed in this subsection is any property that—

21 “(1) is suitable, as determined by the Secretary  
22 concerned, for use for the conservation of open space  
23 or natural resources;

24 “(2) is surplus property for purposes of title II  
25 of the Federal Property and Administrative Services  
26 Act of 1949 (40 U.S.C. 471 et seq.); and

1           “(3) has been available for public benefit con-  
 2           veyance under that title for a sufficient time, as de-  
 3           termined by the Secretary concerned in consultation  
 4           with the Administrator of General Services, to per-  
 5           mit potential claimants to seek public benefit convey-  
 6           ance of such property, but without the submittal  
 7           during that time of a request for such conveyance.

8           “(c) CONDITIONS OF CONVEYANCE.—Real property  
 9           may not be conveyed under this section unless the  
 10          conveyee of such property agrees that such property—

11           “(1) shall be used and maintained for the con-  
 12          servation of open space or natural resources in per-  
 13          petuity, unless otherwise provided for under sub-  
 14          section (e); and

15           “(2) may be subsequently conveyed only if—

16           “(A) the Secretary concerned approves in  
 17          writing such subsequent conveyance;

18           “(B) the Secretary concerned notifies the  
 19          appropriate committees of Congress of the sub-  
 20          sequent conveyance not later than 21 days be-  
 21          fore the subsequent conveyance; and

22           “(C) after such subsequent conveyance,  
 23          shall be used and maintained for the conserva-  
 24          tion of open space or natural resources in per-

1           petuity, unless otherwise provided for under  
2           subsection (e).

3           “(d) USE FOR INCIDENTAL PRODUCTION OF REV-  
4   ENUE.—Real property conveyed under this section may be  
5   used for the incidental production of revenue, as deter-  
6   mined by the Secretary concerned, if such production of  
7   revenue is compatible with the use of such property for  
8   the conservation of open space or natural resources, as  
9   so determined.

10          “(e) REVERSION.—If the Secretary concerned deter-  
11   mines at any time that real property conveyed under this  
12   section is not being used and maintained in accordance  
13   with the agreement of the conveyee under subsection (c),  
14   all right, title, and interest in and to such real property,  
15   including any improvements thereon, shall revert to the  
16   United States, and the United States shall have the right  
17   of immediate entry thereon.

18          “(f) PROPERTY UNDER BASE CLOSURE LAWS.—The  
19   Secretary concerned may not make a conveyance under  
20   this section of any real property to be disposed of under  
21   a base closure law in a manner that is inconsistent with  
22   the requirements and conditions of such base closure law.

23          “(g) ADDITIONAL TERMS AND CONDITIONS.—The  
24   Secretary concerned may establish such additional terms  
25   and conditions in connection with a conveyance of real

1 property under this section as such Secretary considers  
2 appropriate to protect the interests of the United States.

3 “(h) DEFINITIONS.—In this section:

4 “(1) The term ‘appropriate committees of Con-  
5 gress’ has the meaning given that term in section  
6 2801(c)(4) of this title.

7 “(2) The term ‘State’ includes the District of  
8 Columbia, the Commonwealth of Puerto Rico, the  
9 Commonwealth of the Northern Marianas, and the  
10 territories and possessions of the United States.

11 “(3) The term ‘base closure law’ means the fol-  
12 lowing:

13 “(A) Section 2687 of this title.

14 “(B) Title II of the Defense Authorization  
15 Amendments and Base Closure and Realign-  
16 ment Act of 1988 (10 U.S.C. 2687 note).

17 “(C) The Defense Base Closure and Re-  
18 alignment Act of 1990 (part A of title XXIX of  
19 Public Law 101–510; 10 U.S.C. 2687 note).

20 “(D) Any other similar authority for the  
21 closure or realignment of military installations  
22 that is enacted after the date of the enactment  
23 of the National Defense Authorization Act for  
24 Fiscal Year 2003.”.

1       (2) The table of sections at the beginning of chapter  
 2 159 of that title, as amended by section 2811 of this Act,  
 3 is further amended by inserting after the item relating to  
 4 section 2687 the following new item:

“2698. Conveyance of surplus real property for natural resource conservation.”.

5       (b) ACCEPTANCE OF FUNDS TO COVER ADMINISTRA-  
 6 TIVE EXPENSES.—Section 2695(b) of that title is amend-  
 7 ed by adding at the end the following new paragraph:

8               “(5) The conveyance of real property under sec-  
 9 tion 2698 of this title.”.

10       (c) AGREEMENTS WITH PRIVATE ENTITIES.—Sec-  
 11 tion 2701(d) of that title is amended—

12               (1) in paragraph (1), by striking “with any  
 13 State or local government agency, or with any In-  
 14 dian tribe,” and inserting “any State or local gov-  
 15 ernment agency, any Indian tribe, or, for purposes  
 16 under section 2697 or 2698 of this title, with any  
 17 private entity”; and

18               (2) by striking paragraph (4), as redesignated  
 19 by section 311(1) of this Act, and inserting the fol-  
 20 lowing new paragraph (4):

21               “(4) DEFINITIONS.—In this subsection:

22                       “(A) The term ‘Indian tribe’ has the  
 23 meaning given such term in section 101(36) of  
 24 Comprehensive Environmental Response, Com-

1           pensation, and Liability Act of 1980 (42 U.S.C.  
2           9601(36)).

3           “(B) The term ‘private entity’ means any  
4           private entity that has as its stated principal  
5           organizational purpose or goal the conservation,  
6           restoration, or preservation of land and natural  
7           resources, or a similar purpose or goal.”.

8   **SEC. 2813. MODIFICATION OF DEMONSTRATION PROGRAM**  
9                   **ON REDUCTION IN LONG-TERM FACILITY**  
10                  **MAINTENANCE COSTS.**

11       (a) ADMINISTRATOR OF PROGRAM.—Subsection (a)  
12   of section 2814 of the Military Construction Authorization  
13   Act for Fiscal Year 2002 (division B of Public Law 107–  
14   107; 115 Stat. 1310; 10 U.S.C. 2809 note) is amended  
15   by striking “Secretary of the Army” and inserting “Sec-  
16   retary of Defense or the Secretary of a military depart-  
17   ment”.

18       (b) CONTRACTS.—Subsection (b) of that section is  
19   amended to read as follows:

20       “(b) CONTRACTS.—(1) Not more than 12 contracts  
21   may contain requirements referred to in subsection (a) for  
22   the purpose of the demonstration program.

23       “(2) Except as provided in paragraph (3), the dem-  
24   onstration program may only cover contracts entered into



1 on or after the date of the enactment of the National De-  
2 fense Authorization Act for Fiscal Year 2003.

3 “(3) The Secretary of the Army shall treat any con-  
4 tract containing requirements referred to in subsection (a)  
5 that was entered into under the authority in that sub-  
6 section during the period beginning on December 28,  
7 2001, and ending on the date of the enactment of the Na-  
8 tional Defense Authorization Act for Fiscal Year 2003 as  
9 a contract for the purpose of the demonstration program  
10 under that subsection.”.

11 (c) REPORTING REQUIREMENTS.—Subsection (d) of  
12 that section is amended by striking “Secretary of the  
13 Army” and inserting “Secretary of Defense”.

14 (d) FUNDING.—(1) Subsection (f) of that section is  
15 amended by striking “the Army” and inserting “the mili-  
16 tary departments or defense-wide”.

17 (2) The amendment made by paragraph (1) shall not  
18 affect the availability for the purpose of the demonstration  
19 program under section 2814 of the Military Construction  
20 Authorization Act for Fiscal Year 2002, as amended by  
21 this section, of any amounts authorized to be appropriated  
22 before the date of the enactment of this Act for the Army  
23 for military construction that have been obligated for the  
24 demonstration program, but not expended, as of that date.

## 1       **Subtitle C—Land Conveyances**

### 2       **SEC. 2821. CONVEYANCE OF CERTAIN LANDS IN ALASKA NO** 3                   **LONGER REQUIRED FOR NATIONAL GUARD** 4                   **PURPOSES.**

5           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
6 the Army may convey to the State of Alaska, or any gov-  
7 ernmental entity, Native Corporation, or Indian tribe  
8 within the State of Alaska, all right, title, and interest of  
9 the United States in and to any parcel of real property,  
10 including any improvements thereon, described in sub-  
11 section (b) that the Secretary considers appropriate in the  
12 public interest.

13          (b) COVERED PROPERTY.—Real property described  
14 in this subsection is any property located in the State of  
15 Alaska that, as determined by the Secretary—

16           (1) is currently under the jurisdiction of the  
17 Department of the Army;

18           (2) before December 2, 1980, was under the ju-  
19 risdiction of the Department of the Army for use of  
20 the Alaska National Guard;

21           (3) is located in a unit of the National Wildlife  
22 Refuge System designated in the Alaska National  
23 Interest Lands Conservation Act (94 Stat. 2371; 16  
24 U.S.C. 1301 note);

1           (4) is excess to the needs of the Alaska Na-  
2           tional Guard and the Department of Defense; and

3           (5) is in such condition that—

4                (A) the anticipated cost to the United  
5                States of retaining such property exceeds the  
6                value of such property; or

7                (B) such property is unsuitable for reten-  
8                tion by the United States.

9           (c) CONSIDERATION.—(1) The conveyance of real  
10          property under this section shall, at the election of the  
11          Secretary, be for no consideration or for consideration in  
12          an amount determined by the Secretary to be appropriate  
13          under the circumstances.

14          (2) If consideration is received under paragraph (1)  
15          for property conveyed under subsection (a), the Secretary  
16          may use the amounts received, to the extent provided in  
17          appropriations Acts, to pay for—

18                (A) the cost of a survey described in subsection

19                (d) with respect to such property;

20                (B) the cost of carrying out any environmental  
21                assessment, study, or analysis, and any remediation,  
22                that may be required under Federal law, or is con-  
23                sidered appropriate by the Secretary, in connection  
24                with such property or the conveyance of such prop-  
25                erty; and

1 (C) any other costs incurred by the Secretary in  
2 conveying such property.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of any real property to be conveyed  
5 under subsection (a) shall be determined by a survey satis-  
6 factory to the Secretary.

7 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
8 Secretary may require such additional terms and condi-  
9 tions in connection with a conveyance of real property  
10 under this section as the Secretary considers appropriate  
11 to protect the interests of the United States.

12 (f) DEFINITIONS.—In this section:

13 (1) The term “Indian tribe” has the meaning  
14 given such term in section 102 of the Federally Rec-  
15 ognized Indian Tribe List Act of 1994 (Public Law  
16 103–454; 108 Stat. 4791; 25 U.S.C. 479a).

17 (2) The term “Native Corporation” has the  
18 meaning given such term in section 3 of the Alaska  
19 Native Claims Settlement Act (43 U.S.C. 1602).

20 **SEC. 2822. LAND CONVEYANCE, FORT CAMPBELL, KEN-**  
21 **TUCKY.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
23 the Army may convey, without consideration, to the City  
24 of Hopkinsville, Kentucky (in this section referred to as  
25 the “City”), all right, title, and interest of the United

1 States in and to a parcel of real property at Fort Camp-  
2 bell, Kentucky, consisting of approximately 50 acres and  
3 containing an abandoned railroad spur for the purpose of  
4 permitting the City to use the property for storm water  
5 management, recreation, transportation, and other public  
6 purposes.

7 (b) REIMBURSEMENT OF TRANSACTION COSTS.—(1)  
8 The City shall reimburse the Secretary for any costs in-  
9 curred by the Secretary in carrying out the conveyance  
10 authorized by subsection (a).

11 (2) Any reimbursement for costs that is received  
12 under paragraph (1) shall be credited to the fund or ac-  
13 count providing funds for such costs. Amounts so credited  
14 shall be merged with amounts in such fund or account,  
15 and shall be available for the same purposes, and subject  
16 to the same conditions and limitations, as amounts in such  
17 fund or account.

18 (c) DESCRIPTION OF PROPERTY.—The acreage of the  
19 real property to be conveyed under subsection (a) has been  
20 determined by the Secretary through a legal description  
21 outlining such acreage. No further survey of the property  
22 is required before conveyance under that subsection.

23 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
24 Secretary may require such additional terms and condi-  
25 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **SEC. 2823. MODIFICATION OF AUTHORITY FOR LAND**  
4 **TRANSFER AND CONVEYANCE, NAVAL SECU-**  
5 **RITY GROUP ACTIVITY, WINTER HARBOR,**  
6 **MAINE.**

7 (a) MODIFICATION OF CONVEYANCE AUTHORITY FOR  
8 COREA AND WINTER HARBOR PROPERTIES.—Section  
9 2845 of the Military Construction Authorization Act for  
10 Fiscal Year 2002 (division B of Public Law 107–107; 115  
11 Stat. 1319) is amended—

12 (1) by striking subsection (b) and inserting the  
13 following new subsection (b):

14 “(b) CONVEYANCE AND TRANSFER OF COREA AND  
15 WINTER HARBOR PROPERTIES AUTHORIZED.—(1) The  
16 Secretary of the Navy may convey, without consideration,  
17 to the State of Maine, any political subdivision of the State  
18 of Maine, or any tax-supported agency in the State of  
19 Maine, all right, title, and interest of the United States  
20 in and to parcels of real property, including any improve-  
21 ments thereon and appurtenances thereto, comprising the  
22 former facilities of the Naval Security Group Activity,  
23 Winter Harbor, Maine, as follows:

24 “(A) The parcel consisting of approximately 50  
25 acres known as the Corea Operations Site.

1           “(B) Three parcels consisting of approximately  
2           23 acres and comprising family housing facilities.

3           “(2) The Secretary of the Navy may transfer to the  
4           administrative jurisdiction of the Secretary of the Interior  
5           a parcel of real property consisting of approximately 404  
6           acres at the former Naval Security Group Activity, which  
7           is the balance of the real property comprising the Corea  
8           Operations Site.

9           “(3) The Secretary of the Interior shall administer  
10          the property transferred under paragraph (2) as part of  
11          the National Wildlife Refuge System.”; and

12                 (2) in subsections (c), (d), (e), (f), (g), and (h),  
13          by striking “subsection (b)” each place it appears  
14          and inserting “subsection (b)(1)”.

15          (b) EXEMPTION OF MODIFIED CONVEYANCES FROM  
16          FEDERAL SCREENING REQUIREMENT.—That section is  
17          further amended—

18                 (1) by redesignating subsections (g) and (h) as  
19          subsections (h) and (i), respectively; and

20                 (2) by inserting after subsection (f) the fol-  
21          lowing new subsection (g):

22          “(g) EXEMPTION OF CERTAIN CONVEYANCES FROM  
23          FEDERAL SCREENING.—Any conveyance authorized by  
24          subsection (b)(1) of this section, as amended by section  
25          2823 of the National Defense Authorization Act for Fiscal

1 Year 2003, is exempt from the requirement to screen the  
2 property concerned for further Federal use pursuant to  
3 section 2696 of title 10, United States Code.”.

4 **SEC. 2824. LAND CONVEYANCE, WESTOVER AIR RESERVE**  
5 **BASE, MASSACHUSETTS.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
7 the Navy may convey, without consideration, to the City  
8 of Chicopee, Massachusetts (in this section referred to as  
9 the “City”), all right, title, and interest of the United  
10 States in and to a parcel of real property, including 188  
11 housing units and other improvements thereon, consisting  
12 of approximately 30.38 acres located at Westover Air Re-  
13 serve Base in Chicopee, Massachusetts, for the purpose  
14 of permitting the City to use the property for economic  
15 development and other public purposes.

16 (b) ADMINISTRATIVE EXPENSES.—(1) The Secretary  
17 may require the City to reimburse the Secretary for the  
18 costs incurred by the Secretary to carry out the convey-  
19 ance under subsection (a), including survey costs, costs re-  
20 lated to environmental documentation (other than the en-  
21 vironmental baseline survey), and other administrative  
22 costs related to the conveyance.

23 (2) Section 2695(c) of title 10, United States Code,  
24 shall apply to any amount received under this subsection.



1 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
2 and legal description of the real property to be conveyed  
3 under subsection (a) shall be determined by a survey satis-  
4 factory to the Secretary.

5 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
6 Secretary may require such additional terms and condi-  
7 tions in connection with the conveyance under subsection  
8 (a) as the Secretary considers appropriate to protect the  
9 interests of the United States.

10 **SEC. 2825. LAND CONVEYANCE, NAVAL STATION NEWPORT,**  
11 **RHODE ISLAND.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
13 the Navy may convey to the State of Rhode Island, or  
14 any political subdivision thereof, any or all right, title, and  
15 interest of the United States in and to a parcel of real  
16 property, together with improvements thereon, consisting  
17 of approximately 34 acres located in Melville, Rhode Is-  
18 land, and known as the Melville Marina site.

19 (b) CONSIDERATION.—(1) As consideration for the  
20 conveyance of real property under subsection (a), the  
21 conveyee shall pay the United States an amount equal to  
22 the fair market value of the real property, as determined  
23 by the Secretary based on an appraisal of the real property  
24 acceptable to the Secretary.

1       (2) Any consideration received under paragraph (1)  
2 shall be deposited in the account established under section  
3 204(h) of the Federal Property and Administrative Serv-  
4 ices Act of 1949 (40 U.S.C. 485(h)), and shall be available  
5 as provided for in that section.

6       (c) REIMBURSEMENT OF TRANSACTION COSTS.—(1)  
7 The Secretary may require the conveyee of the real prop-  
8 erty under subsection (a) to reimburse the Secretary for  
9 any costs incurred by the Secretary in carrying out the  
10 conveyance.

11       (2) Any reimbursement for costs that is received  
12 under paragraph (1) shall be credited to the fund or ac-  
13 count providing funds for such costs. Amounts so credited  
14 shall be merged with amounts in such fund or account,  
15 and shall be available for the same purposes, and subject  
16 to the same conditions and limitations, as amounts in such  
17 fund or account.

18       (d) DESCRIPTION OF PROPERTY.—The exact acreage  
19 and legal description of the real property to be conveyed  
20 under subsection (a) shall be determined by a survey satis-  
21 factory to the Secretary.

22       (e) ADDITIONAL TERMS AND CONDITIONS.—The  
23 Secretary may require such additional terms and condi-  
24 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **SEC. 2826. LAND EXCHANGE, BUCKLEY AIR FORCE BASE,**  
4 **COLORADO.**

5 (a) EXCHANGE AUTHORIZED.—Subject to subsection  
6 (b), the Secretary of the Air Force may convey to the  
7 State of Colorado (in this section referred to as the  
8 “State”) all right, title, and interest of the United States  
9 in and to a parcel of real property, including improve-  
10 ments thereon, consisting of all or part of the Watkins  
11 Communications Site in Arapahoe County, Colorado.

12 (b) LIMITATION.—The Secretary of the Air Force  
13 may carry out the conveyance authorized by subsection (a)  
14 only with the concurrence of the Secretary of Defense.

15 (c) CONSIDERATION.—(1) As consideration for the  
16 conveyance authorized by subsection (a) the State shall  
17 convey to the United States of all right, title, and interest  
18 of the State in and to a parcel of real property, including  
19 improvements thereon, consisting of approximately 41  
20 acres that is owned by the State and is contiguous to  
21 Buckley Air Force Base, Colorado.

22 (2) The Secretary shall have jurisdiction over the real  
23 property conveyed under paragraph (1).

24 (3) Upon conveyance to the United States under  
25 paragraph (1), the real property conveyed under that

1 paragraph is withdrawn from all forms of appropriation  
2 under the general land laws, including the mining laws  
3 and mineral and geothermal leasing laws.

4 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
5 and legal description of the parcels of real property to be  
6 conveyed under this section shall be determined by surveys  
7 satisfactory to the Secretary.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
9 Secretary may require such additional terms and condi-  
10 tions in connection with the conveyances under authorized  
11 by this section as the Secretary considers appropriate to  
12 protect the interests of the United States.

13 **SEC. 2827. LAND ACQUISITION, BOUNDARY CHANNEL**  
14 **DRIVE SITE, ARLINGTON, VIRGINIA.**

15 (a) ACQUISITION AUTHORIZED.—The Secretary of  
16 Defense may, using amounts authorized to be appro-  
17 priated to be appropriated by section 2401, acquire all  
18 right, title, and interest in and to a parcel of real property,  
19 including any improvements thereon, in Arlington County,  
20 Virginia, consisting of approximately 7.2 acres and known  
21 as the Boundary Channel Drive Site. The parcel is located  
22 southeast of Interstate Route 395 at the end of Boundary  
23 Channel Drive and was most recently occupied by the  
24 Twin Bridges Marriott.

1 (b) INCLUSION IN PENTAGON RESERVATION.—Upon  
 2 its acquisition under subsection (a), the parcel acquired  
 3 under that subsection shall be included in the Pentagon  
 4 Reservation, as that term is defined in section 2674(f)(1)  
 5 of title 10, United States Code.

6 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
 7 and legal description of the real property to be acquired  
 8 under subsection (a) shall be determined by a survey satis-  
 9 factory to the Secretary.

10 (d) TERMS AND CONDITIONS.—The Secretary may  
 11 require such terms and conditions in connection with the  
 12 acquisition under this section as the Secretary considers  
 13 appropriate to protect the interests of the United States.

14 **SEC. 2828. LAND CONVEYANCES, WENDOVER AIR FORCE**  
 15 **BASE AUXILIARY FIELD, NEVADA.**

16 (a) CONVEYANCES AUTHORIZED TO WEST  
 17 WENDOVER, NEVADA.—(1) The Secretary of the Interior  
 18 may convey, without consideration, to the City of West  
 19 Wendover, Nevada, all right, title, and interest of the  
 20 United States in and to the following:

21 (A) The lands at Wendover Air Force Base  
 22 Auxiliary Field, Nevada, identified in Easement No.  
 23 AFMC-HL-2-00-334 that are determined by the  
 24 Secretary of the Air Force to be no longer required.

1 (B) The lands at Wendover Air Force Base  
2 Auxiliary Field identified for disposition on the map  
3 entitled “West Wendover, Nevada–Excess”, dated  
4 January 5, 2001, that are determined by the Sec-  
5 retary of the Air Force to be no longer required.

6 (2) The purposes of the conveyances under this sub-  
7 section are—

8 (A) to permit the establishment and mainte-  
9 nance of runway protection zones; and

10 (B) to provide for the development of an indus-  
11 trial park and related infrastructure.

12 (3) The map referred to in paragraph (1)(B) shall  
13 be on file and available for public inspection in the offices  
14 of the Director of the Bureau of Land Management and  
15 the Elko District Office of the Bureau of Land Manage-  
16 ment.

17 (b) CONVEYANCE AUTHORIZED TO TOOELE COUNTY,  
18 UTAH.—(1) The Secretary of the Interior may convey,  
19 without consideration, to Tooele County, Utah, all right,  
20 title, and interest of the United States in and to the lands  
21 at Wendover Air Force Base Auxiliary Field identified in  
22 Easement No. AFMC–HL–2–00–318 that are determined  
23 by the Secretary of the Air Force to be no longer required.

24 (2) The purpose of the conveyance under this sub-  
25 section is to permit the establishment and maintenance

1 of runway protection zones and an aircraft accident poten-  
2 tial protection zone as necessitated by continued military  
3 aircraft operations at the Utah Test and Training Range.

4 (c) MANAGEMENT OF CONVEYED LANDS.—The lands  
5 conveyed under subsections (a) and (b) shall be managed  
6 by the City of West Wendover, Nevada, City of Wendover,  
7 Utah, Tooele County, Utah, and Elko County, Nevada—

8 (1) in accordance with the provisions of an  
9 Interlocal Memorandum of Agreement entered into  
10 between the Cities of West Wendover, Nevada, and  
11 Wendover, Utah, Tooele County, Utah, and Elko  
12 County, Nevada, providing for the coordinated man-  
13 agement and development of the lands for the eco-  
14 nomic benefit of both communities; and

15 (2) in a manner that is consistent with such  
16 provisions of the easements referred to subsections  
17 (a) and (b) that, as jointly determined by the Sec-  
18 retary of the Air Force and Secretary of the Inte-  
19 rior, remain applicable and relevant to the operation  
20 and management of the lands following conveyance  
21 and are consistent with the provisions of this sec-  
22 tion.

23 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
24 Secretary of the Air Force and the Secretary of the Inte-  
25 rior may jointly require such additional terms and condi-

1 tions in connection with the conveyances required by sub-  
2 sections (a) and (b) as the Secretaries consider appro-  
3 priate to protect the interests of the United States.

## 4           **Subtitle D—Other Matters**

### 5   **SEC. 2841. TRANSFER OF FUNDS IN LIEU OF ACQUISITION** 6                   **OF REPLACEMENT PROPERTY FOR NATIONAL** 7                   **WILDLIFE REFUGE SYSTEM IN NEVADA.**

8           The Secretary of the Air Force may, using amounts  
9 authorized to be appropriated by section 2304(a)(1),  
10 transfer to the Secretary of the Interior \$15,000,000 in  
11 accordance with, and for the purpose set forth in, section  
12 3011(b)(5)(F)(ii)(II) of the Military Lands Withdrawal  
13 Act of 1999 (title XXX of Public Law 106–65; 113 Stat.  
14 889).



1 **DIVISION C—DEPARTMENT OF**  
 2 **ENERGY NATIONAL SECURITY**  
 3 **AUTHORIZATIONS AND**  
 4 **OTHER AUTHORIZATIONS**  
 5 **TITLE XXXI—DEPARTMENT OF**  
 6 **ENERGY NATIONAL SECURITY**  
 7 **PROGRAMS**  
 8 **Subtitle A—National Security**  
 9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 11 **TION.**

12 Funds are hereby authorized to be appropriated to  
 13 the Department of Energy for fiscal year 2003 for the  
 14 activities of the National Nuclear Security Administration  
 15 in carrying out programs necessary for national security  
 16 in the amount of \$8,160,043,000, to be allocated as fol-  
 17 lows:

18 (1) **WEAPONS ACTIVITIES.**—For weapons activi-  
 19 ties, \$5,988,188,000, to be allocated as follows:

20 (A) For directed stockpile work,  
 21 \$1,218,967,000.

22 (B) For campaigns, \$2,090,528,000, to be  
 23 allocated as follows:

24 (i) For operation and maintenance,  
 25 \$1,740,983,000.

(ii) For construction, \$349,545,000,  
to be allocated as follows:

Project 01-D-101, distributed  
information systems laboratory,  
Sandia National Laboratories, Liver-  
more, California, \$13,305,000.

Project 00-D-103, terascale sim-  
ulation facility, Lawrence Livermore  
National Laboratory, Livermore, Cali-  
fornia, \$35,030,000.

Project 00-D-107, joint com-  
putational engineering laboratory,  
Sandia National Laboratories, Albu-  
querque, New Mexico, \$7,000,000.

Project 98-D-125, tritium ex-  
traction facility, Savannah River  
Plant, Aiken, South Carolina,  
\$70,165,000.

Project 96-D-111, national igni-  
tion facility (NIF), Lawrence Liver-  
more National Laboratory, Livermore,  
California, \$224,045,000.

(C) For readiness in technical base and fa-  
cilities, \$1,735,129,000, to be allocated as fol-  
lows:

1 (i) For operation and maintenance,  
2 \$1,464,783,000.

3 (ii) For plant projects (including  
4 maintenance, restoration, planning, con-  
5 struction, acquisition, modification of fa-  
6 cilities, and the continuation of projects  
7 authorized in prior years, and land acquisi-  
8 tion related thereto), \$270,346,000, to be  
9 allocated as follows:

10 Project 03-D-101, Sandia un-  
11 derground reactor facility (SURF),  
12 Sandia National Laboratory, Liver-  
13 more, California, \$2,000,000.

14 Project 03-D-103, project engi-  
15 neering and design (PED), various lo-  
16 cations, \$17,839,000.

17 Project 03-D-121, gas transfer  
18 capacity expansion, Kansas City  
19 Plant, Kansas City, Missouri,  
20 \$4,000,000.

21 Project 03-D-122, purification  
22 prototype facility, Y-12 Plant, Oak  
23 Ridge, Tennessee, \$20,800,000.

24 Project 03-D-123, special nu-  
25 clear material component requalifica-

1                   tion facility, Pantex Plant, Amarillo,  
2                   Texas, \$3,000,000

3                   Project 02–D–103, project engi-  
4                   neering and design (PED), various lo-  
5                   cations, \$24,945,000.

6                   Project 02–D–105, engineering  
7                   technology complex upgrade, Law-  
8                   rence Livermore National Laboratory,  
9                   Livermore, California, \$10,000,000.

10                  Project 02–D–107, electrical  
11                  power systems safety communications  
12                  and bus upgrades, Nevada Test Site,  
13                  Nevada, \$7,500,000.

14                  Project 01–D–103, project engi-  
15                  neering and design (PED), various lo-  
16                  cations, \$6,164,000.

17                  Project 01–D–107, Atlas reloca-  
18                  tion, Nevada Test Site, Nevada,  
19                  \$4,123,000.

20                  Project 01–D–108, microsystems  
21                  and engineering sciences applications  
22                  (MESA), Sandia National Labora-  
23                  tories, Albuquerque, New Mexico,  
24                  \$75,000,000.

1                   Project 01–D–124, HEU storage  
2 facility, Y–12 Plant, Oak Ridge, Ten-  
3 nessee, \$25,000,000.

4                   Project 01–D–126, weapons eval-  
5 uation test laboratory, Pantex Plant,  
6 Amarillo, Texas, \$8,650,000.

7                   Project 01–D–800, sensitive com-  
8 partmented information facility, Law-  
9 rence Livermore National Laboratory,  
10 Livermore, California, \$9,611,000.

11                  Project 99–D–103, isotope  
12 sciences facilities, Lawrence Liver-  
13 more National Laboratory, Livermore,  
14 California, \$4,011,000.

15                  Project 99–D–104, protection of  
16 real property (roof reconstruction,  
17 phase II), Lawrence Livermore Na-  
18 tional Laboratory, Livermore, Cali-  
19 fornia, \$5,915,000.

20                  Project 99–D–127, stockpile  
21 management restructuring initiative,  
22 Kansas City Plant, Kansas City, Mis-  
23 souri, \$29,900,000.

24                  Project 99–D–128, stockpile  
25 management restructuring initiative,

1 Pantex Plant, Amarillo, Texas,  
2 \$407,000.

3 Project 98–D–123, stockpile  
4 management restructuring initiative,  
5 tritium facility modernization and  
6 consolidation, Savannah River Plant,  
7 Aiken, South Carolina, \$10,481,000.

8 Project 96–D–102, stockpile  
9 stewardship facilities revitalization,  
10 Phase VI, various locations,  
11 \$1,000,000.

12 (C) For secure transportation asset,  
13 \$157,083,000, to be allocated as follows:

14 (i) For operation and maintenance,  
15 \$102,578,000.

16 (ii) For program direction,  
17 \$54,505,000.

18 (D) For safeguards and security,  
19 \$574,954,000, to be allocated as follows:

20 (i) For operation and maintenance,  
21 \$566,054,000.

22 (ii) For plant projects (including  
23 maintenance, restoration, planning, con-  
24 struction, acquisition, modification of fa-  
25 cilities, and the continuation of projects

1 authorized in prior years, and land acquisi-  
2 tion related thereto), \$8,900,000, to be al-  
3 located as follows:

4 Project 99–D–132, stockpile  
5 management restructuring initiative,  
6 nuclear material safeguards and secu-  
7 rity upgrades project, Los Alamos Na-  
8 tional Laboratory, Los Alamos, New  
9 Mexico, \$8,900,000.

10 (E) For facilities and infrastructure,  
11 \$242,512,000.

12 (2) DEFENSE NUCLEAR NONPROLIFERATION.—

13 For defense nuclear nonproliferation activities,  
14 \$1,129,130,000, to be allocated as follows:

15 (A) For operation and maintenance,  
16 \$1,037,130,000, to be allocated as follows:

17 (i) For nonproliferation and  
18 verification research and development,  
19 \$298,907,000.

20 (ii) For nonproliferation programs,  
21 \$446,223,000.

22 (iii) For fissile materials,  
23 \$292,000,000.

24 (B) For plant projects (including mainte-  
25 nance, restoration, planning, construction, ac-

1           quisition, modification of facilities, and the con-  
2           tinuation of projects authorized in prior years,  
3           and land acquisition related thereto),  
4           \$156,000,000, to be allocated as follows:

5                   Project 01–D–407, highly enriched  
6                   uranium blend-down, Savannah River Site,  
7                   Aiken, South Carolina, \$30,000,000.

8                   Project 99–D–141, pit disassembly  
9                   and conversion facility, Savannah River  
10                  Site, Aiken, South Carolina, \$33,000,000.

11                  Project 99–D–143, mixed oxide fuel  
12                  fabrication facility, Savannah River Site,  
13                  Aiken, South Carolina, \$93,000,000.

14           (3) NAVAL REACTORS.—For naval reactors,  
15           \$707,020,000, to be allocated as follows:

16                   (A) For naval reactors development,  
17                   \$682,590,000, to be allocated as follows:

18                           (i) For operation and maintenance,  
19                           \$671,290,000.

20                           (ii) For plant projects (including  
21                           maintenance, restoration, planning, con-  
22                           struction, acquisition, modification of fa-  
23                           cilities, and the continuation of projects  
24                           authorized in prior years, and land acquisi-



tion related thereto), \$11,300,000, to be allocated as follows:

Project 03–D–201, cleanroom technology facility, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$7,200,000.

Project 01–D–200, major office replacement building, Schenectady, New York, \$2,100,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$2,000,000.

(B) For program direction, \$24,430,000.

(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, and for program direction for the National Nuclear Security Administration (other than for naval reactors and secure transportation asset), \$335,705,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for environmental management activities in carrying out programs necessary for national security in the amount of \$6,710,774,000, to be allocated as follows:

1           (1) CLOSURE PROJECTS.—For closure projects  
2       carried out in accordance with section 3143 of the  
3       National Defense Authorization Act for Fiscal Year  
4       1997 (Public Law 104–201; 110 Stat. 2836; 42  
5       U.S.C. 7277n), \$1,109,314,000.

6           (2) SITE/PROJECT COMPLETION.—For site com-  
7       pletion and project completion in carrying out envi-  
8       ronmental management activities necessary for na-  
9       tional security programs, \$793,950,000, to be allo-  
10      cated as follows:

11           (A) For operation and maintenance,  
12           \$779,706,000.

13           (B) For plant projects (including mainte-  
14       nance, restoration, planning, construction, ac-  
15       quisition, modification of facilities, and the con-  
16       tinuation of projects authorized in prior years,  
17       and land acquisition related thereto),  
18       \$14,244,000, to be allocated as follows:

19           Project 02–D–402, Intec cathodic  
20       protection system expansion, Idaho Na-  
21       tional Engineering and Environmental  
22       Laboratory, Idaho Falls, Idaho,  
23       \$1,119,000.

1                   Project 02–D–420, plutonium sta-  
2                   bilization and packaging, Savannah River  
3                   Site, Aiken, South Carolina, \$2,000,000.

4                   Project 01–D–414, project engineer-  
5                   ing and design (PED), various locations,  
6                   \$5,125,000.

7                   Project 86–D–103, decontamination  
8                   and waste treatment facility, Lawrence  
9                   Livermore National Laboratory, Liver-  
10                  more, California, \$6,000,000.

11               (3) POST-2006 COMPLETION.—For post-2006  
12               completion in carrying out environmental restoration  
13               and waste management activities necessary for na-  
14               tional security programs, \$2,617,199,000, to be allo-  
15               cated as follows:

16               (A) For operation and maintenance,  
17               \$1,704,341,000.

18               (B) For plant projects (including mainte-  
19               nance, restoration, planning, construction, ac-  
20               quisition, modification of facilities, and the con-  
21               tinuation of projects authorized in prior years,  
22               and land acquisition related thereto),  
23               \$14,870,000, to be allocated as follows:

24               Project 93–D–187, high-level waste  
25               removal from filled waste tanks, Savannah

1 River Site, Aiken, South Carolina,  
2 \$14,870,000.

3 (C) For the Office of River Protection in  
4 carrying out environmental restoration and  
5 waste management activities necessary for na-  
6 tional security programs, \$897,988,000, to be  
7 allocated as follows:

8 (i) For operation and maintenance,  
9 \$226,256,000.

10 (ii) For plant projects (including  
11 maintenance, restoration, planning, con-  
12 struction, acquisition, modification of fa-  
13 cilities, and the continuation of projects  
14 authorized in prior years, and land acquisi-  
15 tion related thereto), \$671,732,000, to be  
16 allocated as follows:

17 Project 03-D-403, immobilized  
18 high-level waste interim storage facil-  
19 ity, Richland, Washington,  
20 \$6,363,000.

21 Project 01-D-416, waste treat-  
22 ment and immobilization plant, Rich-  
23 land, Washington, \$619,000,000.

1                   Project 97–D–402, tank farm  
2                   restoration and safe operations, Rich-  
3                   land, Washington, \$25,424,000.

4                   Project 94–D–407, initial tank  
5                   retrieval systems, Richland, Wash-  
6                   ington, \$20,945,000.

7           (4) SCIENCE AND TECHNOLOGY DEVELOP-  
8           MENT.—For science and technology development in  
9           carrying out environmental management activities  
10          necessary for national security programs,  
11          \$92,000,000.

12          (5) EXCESS FACILITIES.—For excess facilities  
13          in carrying out environmental management activities  
14          necessary for national security programs,  
15          \$1,300,000.

16          (6) SAFEGUARDS AND SECURITY.—For safe-  
17          guards and security in carrying out environmental  
18          management activities necessary for national secu-  
19          rity programs, \$278,260,000.

20          (7) URANIUM ENRICHMENT DECONTAMINATION  
21          AND DECOMMISSIONING FUND.—For contribution to  
22          the Uranium Enrichment Decontamination and De-  
23          commissioning Fund under chapter 28 of the Atomic  
24          Energy Act of 1954 (42 U.S.C. 2297g et seq.),  
25          \$441,000,000.

1           (8) ENVIRONMENTAL MANAGEMENT CLEANUP  
2       REFORM.—For accelerated environmental restoration  
3       and waste management activities, \$1,000,000,000.

4           (9) PROGRAM DIRECTION.—For program direc-  
5       tion in carrying out environmental restoration and  
6       waste management activities necessary for national  
7       security programs, \$396,098,000.

8   **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

9       Funds are hereby authorized to be appropriated to  
10   the Department of Energy for fiscal year 2003 for other  
11   defense activities in carrying out programs necessary for  
12   national security in the amount of \$489,883,000, to be  
13   allocated as follows:

14           (1)       INTELLIGENCE.—For       intelligence,  
15       \$43,559,000.

16           (2)       COUNTERINTELLIGENCE.—For   counter-  
17       intelligence, \$48,083,000.

18           (3)       OFFICE OF SECURITY.—For the Office of  
19       Security for security, \$252,218,000, to be allocated  
20       as follows:

21                   (A) For nuclear safeguards and security,  
22       \$156,102,000.

23                   (B)       For       security       investigations,  
24       \$45,870,000.

25                   (C) For program direction, \$50,246,000.

1           (4) INDEPENDENT OVERSIGHT AND PERFORM-  
2       ANCE ASSURANCE.—For independent oversight and  
3       performance assurance, \$22,615,000.

4           (5) OFFICE OF ENVIRONMENT, SAFETY, AND  
5       HEALTH.—For the Office of Environment, Safety,  
6       and Health, \$104,910,000, to be allocated as fol-  
7       lows:

8               (A) For environment, safety, and health  
9               (defense), \$86,892,000.

10              (B) For program direction, \$18,018,000.

11           (6) WORKER AND COMMUNITY TRANSITION AS-  
12       SISTANCE.—For worker and community transition  
13       assistance, \$25,774,000, to be allocated as follows:

14               (A) For worker and community transition,  
15               \$22,965,000.

16              (B) For program direction, \$2,809,000.

17           (7) OFFICE OF HEARINGS AND APPEALS.—For  
18       the Office of Hearings and Appeals, \$3,136,000.

19   **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
20               **VATIZATION.**

21       Funds are hereby authorized to be appropriated to  
22       the Department of Energy for fiscal year 2003 for privat-  
23       ization initiatives in carrying out environmental restora-  
24       tion and waste management activities necessary for na-

1 tional security programs in the amount of \$158,399,000,  
2 to be allocated as follows:

3           Project 98–PVT–2, spent nuclear fuel dry stor-  
4           age, Idaho Falls, Idaho, \$53,399,000.

5           Project 97–PVT–2, advanced mixed waste  
6           treatment project, Idaho Falls, Idaho, \$105,000,000.

7 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

8           Funds are hereby authorized to be appropriated to  
9 the Department of Energy for fiscal year 2003 for pay-  
10 ment to the Nuclear Waste Fund established in section  
11 302(c) of the Nuclear Waste Policy Act of 1982 (42  
12 U.S.C. 10222(c)) in the amount of \$215,000,000.

13           **Subtitle B—Recurring General**  
14           **Provisions**

15 **SEC. 3121. REPROGRAMMING.**

16           (a) IN GENERAL.—Until the Secretary of Energy  
17 submits to the congressional defense committees the re-  
18 port referred to in subsection (b) and a period of 30 days  
19 has elapsed after the date on which such committees re-  
20 ceive the report, the Secretary may not use amounts ap-  
21 propriated pursuant to this title for any program—

22                   (1) in amounts that exceed, in a fiscal year—  
23                           (A) 115 percent of the amount authorized  
24                           for that program by this title; or



1 (B) \$5,000,000 more than the amount au-  
2 thorized for that program by this title; or

3 (2) which has not been presented to, or re-  
4 quested of, Congress.

5 (b) REPORT.—(1) The report referred to in sub-  
6 section (a) is a report containing a full and complete state-  
7 ment of the action proposed to be taken and the facts and  
8 circumstances relied upon in support of the proposed ac-  
9 tion.

10 (2) In the computation of the 30-day period under  
11 subsection (a), there shall be excluded any day on which  
12 either House of Congress is not in session because of an  
13 adjournment of more than 3 days to a day certain.

14 (c) LIMITATIONS.—(1) In no event may the total  
15 amount of funds obligated pursuant to this title exceed  
16 the total amount authorized to be appropriated by this  
17 title.

18 (2) Funds appropriated pursuant to this title may not  
19 be used for an item for which Congress has specifically  
20 denied funds.

21 **SEC. 3122. LIMITS ON MINOR CONSTRUCTION PROJECTS.**

22 (a) AUTHORITY.—The Secretary of Energy may  
23 carry out any minor construction project using operation  
24 and maintenance funds, or facilities and infrastructure  
25 funds, authorized by this title.

1 (b) ANNUAL REPORT.—The Secretary shall submit  
2 to the congressional defense committees on an annual  
3 basis a report on each exercise of the authority in sub-  
4 section (a) during the preceding year. Each report shall  
5 provide a brief description of each minor construction  
6 project covered by the report.

7 (c) COST VARIATION REPORTS TO CONGRESSIONAL  
8 COMMITTEES.—If, at any time during the construction of  
9 any minor construction project authorized by this title, the  
10 estimated cost of the project is revised and the revised  
11 cost of the project exceeds \$5,000,000, the Secretary shall  
12 immediately submit to the congressional defense commit-  
13 tees a report explaining the reasons for the cost variation.

14 (d) MINOR CONSTRUCTION PROJECT DEFINED.—In  
15 this section, the term “minor construction project” means  
16 any plant project not specifically authorized by law if the  
17 approved total estimated cost of the plant project does not  
18 exceed \$5,000,000.

19 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

20 (a) IN GENERAL.—(1) Except as provided in para-  
21 graph (2), construction on a construction project may not  
22 be started or additional obligations incurred in connection  
23 with the project above the total estimated cost, whenever  
24 the current estimated cost of the construction project, au-  
25 thorized by section 3101, 3102, or 3103, or which is in

1 support of national security programs of the Department  
2 of Energy and was authorized by any previous Act, ex-  
3 ceeds by more than 25 percent the higher of—

4 (A) the amount authorized for the project; or

5 (B) the amount of the total estimated cost for  
6 the project as shown in the most recent budget jus-  
7 tification data submitted to Congress.

8 (2) An action described in paragraph (1) may be  
9 taken if—

10 (A) the Secretary of Energy has submitted to  
11 the congressional defense committees a report on the  
12 actions and the circumstances making such action  
13 necessary; and

14 (B) a period of 30 days has elapsed after the  
15 date on which the report is received by the commit-  
16 tees.

17 (b) EXCEPTION.—Subsection (a) does not apply to a  
18 construction project with a current estimated cost of less  
19 than \$5,000,000.

20 **SEC. 3124. FUND TRANSFER AUTHORITY.**

21 (a) **TRANSFER TO OTHER FEDERAL AGENCIES.**—  
22 The Secretary of Energy may transfer funds authorized  
23 to be appropriated to the Department of Energy pursuant  
24 to this title to other Federal agencies for the performance  
25 of work for which the funds were authorized. Funds so

1 transferred may be merged with and be available for the  
2 same purposes and for the same time period as the author-  
3 izations of the Federal agency to which the amounts are  
4 transferred.

5 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

6 (1) Subject to paragraph (2), the Secretary of Energy may  
7 transfer funds authorized to be appropriated to the De-  
8 partment of Energy pursuant to this title between any  
9 such authorizations. Amounts of authorizations so trans-  
10 ferred may be merged with and be available for the same  
11 purposes and for the same period as the authorization to  
12 which the amounts are transferred.

13 (2) Not more than 5 percent of any such authoriza-  
14 tion may be transferred between authorizations under  
15 paragraph (1). No such authorization may be increased  
16 or decreased by more than 5 percent by a transfer under  
17 such paragraph.

18 (c) LIMITATIONS.—The authority provided by this  
19 subsection to transfer authorizations—

20 (1) may be used only to provide funds for items  
21 relating to activities necessary for national security  
22 programs that have a higher priority than the items  
23 from which the funds are transferred; and

1           (2) may not be used to provide funds for an  
2           item for which Congress has specifically denied  
3           funds.

4           (d) NOTICE TO CONGRESS.—The Secretary of En-  
5           ergy shall promptly notify the Committees on Armed Serv-  
6           ices of the Senate and House of Representatives of any  
7           transfer of funds to or from authorizations under this  
8           title.

9           **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**  
10           **TION DESIGN.**

11           (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)  
12           Subject to paragraph (2) and except as provided in para-  
13           graph (3), before submitting to Congress a request for  
14           funds for a construction project that is in support of a  
15           national security program of the Department of Energy,  
16           the Secretary of Energy shall complete a conceptual de-  
17           sign for that project.

18           (2) If the estimated cost of completing a conceptual  
19           design for a construction project exceeds \$3,000,000, the  
20           Secretary shall submit to Congress a request for funds for  
21           the conceptual design before submitting a request for  
22           funds for the construction project.

23           (3) The requirement in paragraph (1) does not apply  
24           to a request for funds—

1 (A) for a minor construction project the total  
2 estimated cost of which is less than \$5,000,000; or

3 (B) for emergency planning, design, and con-  
4 struction activities under section 3126.

5 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)

6 Within the amounts authorized by this title, the Secretary  
7 of Energy may carry out construction design (including  
8 architectural and engineering services) in connection with  
9 any proposed construction project if the total estimated  
10 cost for such design does not exceed \$600,000.

11 (2) If the total estimated cost for construction design  
12 in connection with any construction project exceeds  
13 \$600,000, funds for that design must be specifically au-  
14 thorized by law.

15 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**  
16 **SIGN, AND CONSTRUCTION ACTIVITIES.**

17 (a) AUTHORITY.—The Secretary of Energy may use  
18 any funds available to the Department of Energy pursuant  
19 to an authorization in this title, including funds authorized  
20 to be appropriated for advance planning, engineering, and  
21 construction design, and for plant projects, under sections  
22 3101, 3102, 3103, and 3104 to perform planning, design,  
23 and construction activities for any Department of Energy  
24 national security program construction project that, as de-  
25 termined by the Secretary, must proceed expeditiously in

1 order to protect public health and safety, to meet the  
2 needs of national defense, or to protect property.

3 (b) LIMITATION.—The Secretary may not exercise  
4 the authority under subsection (a) in the case of any con-  
5 struction project until the Secretary has submitted to the  
6 congressional defense committees a report on the activities  
7 that the Secretary intends to carry out under this section  
8 and the circumstances making those activities necessary.

9 (c) SPECIFIC AUTHORITY.—The requirement of sec-  
10 tion 3125(b)(2) does not apply to emergency planning, de-  
11 sign, and construction activities conducted under this sec-  
12 tion.

13 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
14 **RITY PROGRAMS OF THE DEPARTMENT OF**  
15 **ENERGY.**

16 Subject to the provisions of appropriation Acts and  
17 section 3121, amounts appropriated pursuant to this title  
18 for management and support activities and for general  
19 plant projects are available for use, when necessary, in  
20 connection with all national security programs of the De-  
21 partment of Energy.

22 **SEC. 3128. AVAILABILITY OF FUNDS.**

23 (a) IN GENERAL.—Except as provided in subsection  
24 (b), when so specified in an appropriations Act, amounts

1 appropriated for operation and maintenance or for plant  
2 projects may remain available until expended.

3 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—  
4 Amounts appropriated for program direction pursuant to  
5 an authorization of appropriations in subtitle A shall re-  
6 main available to be expended only until the end of fiscal  
7 year 2004.

8 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MAN-**  
9 **AGEMENT FUNDS.**

10 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-  
11 MENTAL MANAGEMENT FUNDS.—The Secretary of En-  
12 ergy shall provide the manager of each field office of the  
13 Department of Energy with the authority to transfer de-  
14 fense environmental management funds from a program  
15 or project under the jurisdiction of that office to another  
16 such program or project.

17 (b) LIMITATIONS.—(1) Not more than three trans-  
18 fers may be made to or from any program or project under  
19 subsection (a) in a fiscal year.

20 (2) The amount transferred to or from a program  
21 or project in any one transfer under subsection (a) may  
22 not exceed \$5,000,000.

23 (3) A transfer may not be carried out by a manager  
24 of a field office under subsection (a) unless the manager  
25 determines that the transfer is necessary—



1 (A) to address a risk to health, safety, or the  
2 environment; or

3 (B) to assure the most efficient use of defense  
4 environmental management funds at the field office.

5 (4) Funds transferred pursuant to subsection (a)  
6 may not be used for an item for which Congress has spe-  
7 cifically denied funds or for a new program or project that  
8 has not been authorized by Congress.

9 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
10 MENTS.—The requirements of section 3121 shall not  
11 apply to transfers of funds pursuant to subsection (a).

12 (d) NOTIFICATION.—The Secretary, acting through  
13 the Assistant Secretary of Energy for Environmental  
14 Management, shall notify Congress of any transfer of  
15 funds pursuant to subsection (a) not later than 30 days  
16 after such transfer occurs.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “program or project” means, with  
19 respect to a field office of the Department of En-  
20 ergy, any of the following:

21 (A) A program referred to or a project list-  
22 ed in paragraph (2) or (3) of section 3102.

23 (B) A program or project not described in  
24 subparagraph (A) that is for environmental res-  
25 toration or waste management activities nec-

1           essary for national security programs of the De-  
2           partment, that is being carried out by that of-  
3           fice, and for which defense environmental man-  
4           agement funds have been authorized and appro-  
5           priated before the date of the enactment of this  
6           Act.

7           (2) The term “defense environmental manage-  
8           ment funds” means funds appropriated to the De-  
9           partment of Energy pursuant to an authorization for  
10          carrying out environmental restoration and waste  
11          management activities necessary for national secu-  
12          rity programs.

13          (f) DURATION OF AUTHORITY.—The managers of the  
14          field offices of the Department may exercise the authority  
15          provided under subsection (a) during the period beginning  
16          on October 1, 2002, and ending on September 30, 2003.

17      **SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.**

18          (a) TRANSFER AUTHORITY FOR WEAPONS ACTIVI-  
19          TIES FUNDS.—The Secretary of Energy shall provide the  
20          manager of each field office of the Department of Energy  
21          with the authority to transfer weapons activities funds  
22          from a program or project under the jurisdiction of that  
23          office to another such program or project.

1 (b) LIMITATIONS.—(1) Not more than three trans-  
2 fers may be made to or from any program or project under  
3 subsection (a) in a fiscal year.

4 (2) The amount transferred to or from a program  
5 or project in any one transfer under subsection (a) may  
6 not exceed \$5,000,000.

7 (3) A transfer may not be carried out by a manager  
8 of a field office under subsection (a) unless the manager  
9 determines that the transfer—

10 (A) is necessary to address a risk to health,  
11 safety, or the environment; or

12 (B) will result in cost savings and efficiencies.

13 (4) A transfer may not be carried out by a manager  
14 of a field office under subsection (a) to cover a cost over-  
15 run or scheduling delay for any program or project.

16 (5) Funds transferred pursuant to subsection (a)  
17 may not be used for an item for which Congress has spe-  
18 cifically denied funds or for a new program or project that  
19 has not been authorized by Congress.

20 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
21 MENTS.—The requirements of section 3121 shall not  
22 apply to transfers of funds pursuant to subsection (a).

23 (d) NOTIFICATION.—The Secretary, acting through  
24 the Administrator for Nuclear Security, shall notify Con-

1 gress of any transfer of funds pursuant to subsection (a)  
2 not later than 30 days after such transfer occurs.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “program or project” means, with  
5 respect to a field office of the Department of En-  
6 ergy, any of the following:

7 (A) A program referred to or a project list-  
8 ed in section 3101(1).

9 (B) A program or project not described in  
10 subparagraph (A) that is for weapons activities  
11 necessary for national security programs of the  
12 Department, that is being carried out by that  
13 office, and for which weapons activities funds  
14 have been authorized and appropriated before  
15 the date of the enactment of this Act.

16 (2) The term “weapons activities funds” means  
17 funds appropriated to the Department of Energy  
18 pursuant to an authorization for carrying out weap-  
19 ons activities necessary for national security pro-  
20 grams.

21 (f) DURATION OF AUTHORITY.—The managers of the  
22 field offices of the Department may exercise the authority  
23 provided under subsection (a) during the period beginning  
24 on October 1, 2002, and ending on September 30, 2003.

1 **Subtitle C—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3131. AVAILABILITY OF FUNDS FOR ENVIRONMENTAL**  
5 **MANAGEMENT CLEANUP REFORM.**

6 (a) LIMITATION ON AVAILABILITY FOR ENVIRON-  
7 MENTAL MANAGEMENT CLEANUP REFORM.—None of the  
8 funds authorized to be appropriated by section 3102(8)  
9 for the Department of Energy for environmental manage-  
10 ment cleanup reform may be obligated or expended until  
11 the Secretary of Energy—

12 (1) publishes in the Federal Register, and sub-  
13 mits to the congressional defense committees, a re-  
14 port setting forth criteria established by the  
15 Secretary—

16 (A) for selecting the projects that will re-  
17 ceive funding using such funds; and

18 (B) for setting priorities among the  
19 projects selected under subparagraph (A); or

20 (2) notifies the congressional defense commit-  
21 tees that the criteria described by paragraph (1) will  
22 not be established.

23 (b) REQUIREMENTS REGARDING ESTABLISHMENT  
24 OF CRITERIA.—Before establishing criteria, if any, under  
25 subsection (a)(1), the Secretary shall publish a proposal

1 for such criteria in the Federal Register, and shall provide  
2 a period of 45 days for public notice and comment on the  
3 proposal.

4 (c) AVAILABILITY OF FUNDS IF CRITERIA ARE NOT  
5 ESTABLISHED.—(1) If the Secretary exercises the author-  
6 ity under subsection (a)(2), the Secretary shall reallocate  
7 the funds referred to in subsection (a) among sites that  
8 received funds during fiscal year 2002 for defense environ-  
9 mental restoration and waste management activities under  
10 section 3102 of the National Defense Authorization Act  
11 for Fiscal Year 2002 (Public Law 107–197; 115 Stat.  
12 1358).

13 (2) The amount of funds referred to in subsection  
14 (a) that are allocated under paragraph (1) to a site de-  
15 scribed in that paragraph shall bear the same ratio to the  
16 amount of funds referred to in subsection (a) as the  
17 amount of funds received by such site during fiscal year  
18 2002 under section 3102 of the National Defense Author-  
19 ization Act for Fiscal Year 2002 bears to the total amount  
20 of funds made available to all sites during fiscal year 2002  
21 under that section.

22 (3) No funds allocated under paragraph (1) may be  
23 obligated or expended until 30 days after the Secretary  
24 submits to the congressional defense committee a list of  
25 the projects at each site allocated funds under that para-

1 graph, and the amount of such funds to be provided to  
2 each such project at each such site.

3 (4) Funds referred to in subsection (a) may not be  
4 obligated or expended for any site that was not funded  
5 in fiscal year 2002 from amounts available to the Depart-  
6 ment of Energy under title XXXI of the National Defense  
7 Authorization Act for Fiscal Year 2002.

8 **SEC. 3132. ROBUST NUCLEAR EARTH PENETRATOR.**

9 Not later than February 3, 2003, the Secretary of  
10 Defense shall, in consultation with the Secretary of En-  
11 ergy, submit to the congressional defense committees a re-  
12 port on the Robust Nuclear Earth Penetrator (RNEP).  
13 The report shall set forth—

14 (1) the military requirements for the Robust  
15 Nuclear Earth Penetrator;

16 (2) the nuclear weapons employment policy re-  
17 garding the Robust Nuclear Earth Penetrator;

18 (3) a detailed description of the categories or  
19 types of targets that the Robust Nuclear Earth Pen-  
20 etrator is designed to hold at risk; and

21 (4) an assessment of the ability of conventional  
22 weapons to address the same categories and types of  
23 targets described under paragraph (3).

1 **SEC. 3133. DATABASE TO TRACK NOTIFICATION AND RESO-**  
2 **LUTION PHASES OF SIGNIFICANT FINDING**  
3 **INVESTIGATIONS.**

4 (a) AVAILABILITY OF FUNDS FOR DATABASE.—  
5 Amounts authorized to be appropriated by section 3101(1)  
6 for the National Nuclear Security Administration for  
7 weapons activities shall be available to the Deputy Admin-  
8 istrator for Nuclear Security for Defense Programs for the  
9 development and implementation of a database for all na-  
10 tional security laboratories to track the notification and  
11 resolution phases of Significant Finding Investigations  
12 (SFIs). The purpose of the database is to facilitate the  
13 monitoring of the progress and accountability of the na-  
14 tional security laboratories in Significant Finding Inves-  
15 tigations.

16 (b) IMPLEMENTATION DEADLINE.—The database re-  
17 quired by subsection (a) shall be implemented not later  
18 than September 30, 2003.

19 (c) NATIONAL SECURITY LABORATORY DEFINED.—  
20 In this section, the term “national security laboratory”  
21 has the meaning given that term in section 3281(1) of  
22 the National Nuclear Security Administration Act (title  
23 XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C.  
24 2471(1)).



1 **SEC. 3134. REQUIREMENTS FOR SPECIFIC REQUEST FOR**  
2 **NEW OR MODIFIED NUCLEAR WEAPONS.**

3 (a) REQUIREMENT FOR REQUEST FOR FUNDS FOR  
4 DEVELOPMENT.—(1) In any fiscal year after fiscal year  
5 2002 in which the Secretary of Energy plans to carry out  
6 activities described in paragraph (2) relating to the devel-  
7 opment of a new nuclear weapon or modified nuclear  
8 weapon, the Secretary shall specifically request funds for  
9 such activities in the budget of the President for that fis-  
10 cal year under section 1105(a) of title 31, United States  
11 Code.

12 (2) The activities described in this paragraph are as  
13 follows:

14 (A) The conduct, or provision for conduct, of  
15 research and development which could lead to the  
16 production of a new nuclear weapon by the United  
17 States.

18 (B) The conduct, or provision for conduct, of  
19 engineering or manufacturing to carry out the pro-  
20 duction of a new nuclear weapon by the United  
21 States.

22 (C) The conduct, or provision for conduct, of  
23 research and development which could lead to the  
24 production of a modified nuclear weapon by the  
25 United States.

1           (D) The conduct, or provision for conduct, of  
2           engineering or manufacturing to carry out the pro-  
3           duction of a modified nuclear weapon by the United  
4           States.

5           (b) BUDGET REQUEST FORMAT.—The Secretary  
6           shall include in a request for funds under subsection (a)  
7           the following:

8           (1) In the case of funds for activities described  
9           in subparagraph (A) or (C) of subsection (a)(2), a  
10          dedicated line item for each such activity for a new  
11          nuclear weapon or modified nuclear weapons that is  
12          in phase 1 or 2A or phase 6.1 or 6.2A, as the case  
13          may be, of the nuclear weapons acquisition process.

14          (2) In the case of funds for activities described  
15          in subparagraph (B) or (D) of subsection (a)(2), a  
16          dedicated line item for each such activity for a new  
17          nuclear weapon or modified nuclear weapon that is  
18          in phase 3 or higher or phase 6.3 or higher, as the  
19          case may be, of the nuclear weapons acquisition  
20          process.

21          (c) EXCEPTION.—Subsections (a) shall not apply to  
22          funds for purposes of conducting, or providing for the con-  
23          duct of, research and development, or manufacturing and  
24          engineering, determined by the Secretary to be  
25          necessary—

1           (1) for the nuclear weapons life extension pro-  
2       gram;

3           (2) to modify an existing nuclear weapon solely  
4       to address safety or reliability concerns; or

5           (3) to address proliferation concerns.

6       (d) CONSTRUCTION WITH PROHIBITION ON RE-  
7       SEARCH AND DEVELOPMENT ON LOW-YIELD NUCLEAR  
8       WEAPONS.—Nothing in this section may be construed to  
9       modify, repeal, or in any way affect the provisions of sec-  
10      tion 3136 of the National Defense Authorization Act for  
11      Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946;  
12      42 U.S.C. 2121 note), relating to prohibitions on research  
13      and development on low-yield nuclear weapons.

14      (e) DEFINITIONS.—In this section:

15           (1) The term “life extension program” means  
16       the program to repair or replace non-nuclear compo-  
17       nents, or to modify the pit or canned subassembly,  
18       of nuclear weapons in the nuclear weapons stockpile  
19       on the date of the enactment of this Act in order to  
20       assure that such nuclear weapons retain the ability  
21       to meet the military requirements applicable to such  
22       nuclear weapons when first placed in the nuclear  
23       weapons stockpile.

1           (2) The term “modified nuclear weapon” means  
2           a nuclear weapon that contains a pit or canned sub-  
3           assembly, either of which—

4                   (A) is in the nuclear weapons stockpile as  
5                   of the date of the enactment of this Act; and

6                   (B) is being modified in order to meet a  
7                   military requirement that is other than the mili-  
8                   tary requirements applicable to such nuclear  
9                   weapon when first placed in the nuclear weap-  
10                  ons stockpile.

11           (3) The term “new nuclear weapon” means a  
12           nuclear weapon that contains a pit or canned sub-  
13           assembly, either of which is neither—

14                   (A) in the nuclear weapons stockpile on the  
15                   date of the enactment of this Act; nor

16                   (B) in production as of that date.

17 **SEC. 3135. REQUIREMENT FOR AUTHORIZATION BY LAW**  
18 **FOR FUNDS OBLIGATED OR EXPENDED FOR**  
19 **DEPARTMENT OF ENERGY NATIONAL SECU-**  
20 **RITY ACTIVITIES.**

21           Section 660 of the Department of Energy Organiza-  
22           tion Act (42 U.S.C. 7270) is amended—

23                   (1) by inserting “(a)” before “Appropriations”;  
24                   and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(b)(1) No funds for the Department may be obli-  
4           gated or expended for—

5           “(A) national security programs and activities  
6           of the Department; or

7           “(B) activities under the Atomic Energy Act of  
8           1954 (42 U.S.C. 2012 et seq.);

9           unless funds therefor have been specifically authorized by  
10          law.

11          “(2) Nothing in paragraph (1) may be construed to  
12          preclude the requirement under subsection (a), or under  
13          any other provision of law, for an authorization of appro-  
14          priations for programs and activities of the Department  
15          (other than programs and activities covered by that para-  
16          graph) as a condition to the obligation and expenditure  
17          of funds for programs and activities of the Department  
18          (other than programs and activities covered by that para-  
19          graph).”.

20       **SEC. 3136. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
21                       **PROGRAM TO ELIMINATE WEAPONS GRADE**  
22                       **PLUTONIUM PRODUCTION IN RUSSIA.**

23          (a) LIMITATION.—Of the amounts authorized to be  
24          appropriated by this title for the program to eliminate  
25          weapons grade plutonium production, the Administrator

1 for Nuclear Security may not obligate or expend more  
2 than \$100,000,000 for that program until 30 days after  
3 the date on which the Administrator submits to the con-  
4 gressional defense committees a copy of an agreement en-  
5 tered into between the United States Government and the  
6 Government of the Russian Federation to shut down the  
7 three plutonium-producing reactors in Russia.

8 (b) AGREEMENT ELEMENTS.—The agreement under  
9 subsection (a)—

10 (1) shall contain—

11 (A) a commitment to shut down the three  
12 plutonium-producing reactors;

13 (B) the date on which each such reactor  
14 will be shut down;

15 (C) a schedule and milestones for each  
16 such reactor to complete the shut down of such  
17 reactor by the date specified under subpara-  
18 graph (B);

19 (D) an arrangement for access to sites and  
20 facilities necessary to meet such schedules and  
21 milestones; and

22 (E) an arrangement for audit and exam-  
23 ination procedures in order to evaluate progress  
24 in meeting such schedules and milestones; and

25 (2) may include cost sharing arrangements.

1     **Subtitle D—Proliferation Matters**

2     **SEC. 3151. ADMINISTRATION OF PROGRAM TO ELIMINATE**  
3                   **WEAPONS GRADE PLUTONIUM PRODUCTION**  
4                   **IN RUSSIA.**

5           (a) TRANSFER OF PROGRAM TO DEPARTMENT OF  
6 ENERGY.—The program to eliminate weapons grade plu-  
7 tonium production in Russia shall be transferred from the  
8 Department of Defense to the Department of Energy.

9           (b) TRANSFER OF ASSOCIATED FUNDS.—(1) Not-  
10 withstanding any restriction or limitation in law on the  
11 availability of Cooperative Threat Reduction funds speci-  
12 fied in paragraph (2), the Cooperative Threat Reduction  
13 funds specified in that paragraph that are available for  
14 the program referred to in subsection (a) shall be trans-  
15 ferred from the Department of Defense to the Department  
16 of Energy.

17           (2) The Cooperative Threat Reduction funds speci-  
18 fied in this paragraph are the following:

19               (A) Fiscal year 2002 Cooperative Threat Re-  
20 duction funds, as specified in section 1301(b) of the  
21 National Defense Authorization Act for Fiscal Year  
22 2002 (Public Law 107–107; 115 Stat. 1254; 22  
23 U.S.C. 5952 note).

24               (B) Fiscal year 2001 Cooperative Threat Re-  
25 duction funds, as specified in section 1301(b) of the

1       Floyd D. Spence National Defense Authorization  
2       Act for Fiscal Year 2001 (as enacted into law by  
3       Public Law 106–398; 114 Stat. 1654A–339).

4           (C) Fiscal year 2000 Cooperative Threat Re-  
5       duction funds, as specified in section 1301(b) of the  
6       National Defense Authorization Act for Fiscal Year  
7       2000 (Public Law 106–65; 113 Stat. 792; 22 U.S.C.  
8       5952 note).

9       (c) AVAILABILITY OF TRANSFERRED FUNDS.—(1)  
10      Notwithstanding any restriction or limitation in law on the  
11      availability of Cooperative Threat Reduction funds speci-  
12      fied in subsection (b)(2), the Cooperative Threat Reduc-  
13      tion funds transferred under subsection (b) for the pro-  
14      gram referred to in subsection (a) shall be available for  
15      activities as follows:

16           (A) To design and construct, refurbish, or both,  
17       fossil fuel energy plants in Russia that provide alter-  
18       native sources of energy to the energy plants in Rus-  
19       sia that produce weapons grade plutonium.

20           (B) To carry out limited safety upgrades of not  
21       more than three energy plants in Russia that  
22       produce weapons grade plutonium in order to permit  
23       the shutdown of such energy plants and eliminate  
24       the production of weapons grade plutonium in such  
25       energy plants.



1       (2) Amounts available under paragraph (1) for activi-  
2 ties referred to in that paragraph shall remain available  
3 for such activities until expended.

4       **SEC. 3152. SECURITY OF NUCLEAR MATERIALS AND FACILI-**  
5                               **TIES WORLDWIDE.**

6       (a) SENSE OF CONGRESS ON PROGRAM TO SECURE  
7 STOCKPILES OF HIGHLY ENRICHED URANIUM AND PLU-  
8 TONIUM.—(1) It is the sense of Congress that the Sec-  
9 retary of Energy, in consultation with the Secretary of  
10 State and Secretary of Defense, should develop a com-  
11 prehensive program of activities to encourage all countries  
12 with nuclear materials to adhere to, or to adopt standards  
13 equivalent to, the International Atomic Energy Agency  
14 standard on The Physical Protection of Nuclear Material  
15 and Nuclear Facilities (INFCIRC/225/Rev.4), relating to  
16 the security of stockpiles of highly enriched uranium  
17 (HEU) and plutonium (Pu).

18       (2) To the maximum extent practicable, the program  
19 should be developed in consultation with the Russian Fed-  
20 eration, other Group of 8 countries, and other allies of  
21 the United States.

22       (3) Activities under the program should include spe-  
23 cific, targeted incentives intended to encourage countries  
24 that cannot undertake the expense of conforming to the  
25 standard referred to in paragraph (1) to relinquish their

1 highly enriched uranium (HEU) or plutonium (Pu), in-  
2 cluding incentives in which a country, group of countries,  
3 or international body—

4 (A) purchase such materials and provide for  
5 their security (including by removal to another loca-  
6 tion);

7 (B) undertake the costs of decommissioning fa-  
8 cilities that house such materials;

9 (C) in the case of research reactors, convert  
10 such reactors to low-enriched uranium reactors; or

11 (D) upgrade the security of facilities that house  
12 such materials in order to meet stringent security  
13 standards that are established for purposes of the  
14 program based upon agreed best practices.

15 (b) STUDY OF PROGRAM TO SECURE CERTAIN RADI-  
16 OLOGICAL MATERIALS.—(1) The Secretary of Energy,  
17 acting through the Administrator for Nuclear Security  
18 shall require the Office of International Materials Protec-  
19 tion, Control, and Accounting of the Department of En-  
20 ergy to conduct a study to determine the feasibility and  
21 advisability of developing a program to secure radiological  
22 materials outside the United States that pose a threat to  
23 the national security of the United States.

24 (2) The study under paragraph (1) shall include the  
25 following:

1           (A) An identification of the categories of radio-  
2           logical materials that are covered by that paragraph,  
3           including an order of priority for securing each cat-  
4           egory of such radiological materials.

5           (B) An estimate of the number of sites at which  
6           such radiological materials are present.

7           (C) An assessment of the effort required to se-  
8           cure such radiological materials at such sites,  
9           including—

10               (i) a description of the security upgrades,  
11               if any, that are required at such sites;

12               (ii) an assessment of the costs of securing  
13               such radiological materials at such sites;

14               (iii) a description of any cost-sharing ar-  
15               rangements to defray such costs;

16               (iv) a description of any legal impediments  
17               to such effort, including a description of means  
18               of overcoming such impediments; and

19               (v) a description of the coordination re-  
20               quired for such effort among appropriate  
21               United States Government entities (including  
22               the Nuclear Regulatory Commission), partici-  
23               pating countries, and international bodies (in-  
24               cluding the International Atomic Energy Agen-  
25               cy).

1 (D) A description of the pilot project under-  
2 taken in Russia.

3 (3) In identifying categories of radiological materials  
4 under paragraph (2)(A), the Secretary shall take into ac-  
5 count matters relating to specific activity, half-life, radi-  
6 ation type and energy, attainability, difficulty of handling,  
7 and toxicity, and such other matters as the Secretary con-  
8 siders appropriate.

9 (4) Not later than one year after the date of the en-  
10 actment of this Act, the Secretary shall submit to Con-  
11 gress a report on the study conducted under this sub-  
12 section. The report shall include the matters specified  
13 under paragraph (2) and such other matters, including  
14 recommendations, as the Secretary considers appropriate  
15 as a result of the study.

16 (5) In this subsection, the term “radiological mate-  
17 rial” means any radioactive material, other than pluto-  
18 nium (Pu) or uranium enriched above 20 percent ura-  
19 nium-235.

20 (c) STUDY OF ACTIONS TO ADDRESS TERRORIST  
21 THREAT TO NUCLEAR POWER PLANTS OUTSIDE THE  
22 UNITED STATES.—(1) The Secretary of Energy shall, in  
23 consultation with the Nuclear Regulatory Commission and  
24 the International Atomic Energy Agency, conduct a study  
25 of the feasibility and advisability of various actions to re-

duce the risks associated with terrorist attacks on nuclear power plants outside the United States.

(2) Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under paragraph (1). The report shall include the following:

(A) A description of the actions studied.

(B) An assessment of the feasibility and advisability of undertaking one or more such actions.

(C) Any other matters, including recommendations, that the Secretary considers appropriate.

(d) AMENDMENT OF CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL.—(1) It is the sense of Congress that the President should encourage amendment of the Convention on the Physical Protection of Nuclear Materials in order to provide that the Convention shall—

(A) apply to both the domestic and international use and transport of nuclear materials;

(B) incorporate fundamental practices for the physical protection of such materials; and

(C) address protection against sabotage involving nuclear materials.

(2) In this subsection, the term “Convention on the Physical Protection of Nuclear Materials” means the Con-

1 vention on the Physical Protection of Nuclear Materials,  
2 With Annex, done at Vienna on October 26, 1979.

3 **SEC. 3153. REPEAL OF REQUIREMENT FOR REPORTS ON**  
4 **OBLIGATION OF FUNDS FOR PROGRAMS ON**  
5 **FISSILE MATERIALS IN RUSSIA.**

6 Section 3131 of the National Defense Authorization  
7 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
8 617; 22 U.S.C. 5952 note) is amended—

9 (1) in subsection (a), by striking “(a) AUTHOR-  
10 ITY.—”; and

11 (2) by striking subsection (b).

12 **SEC. 3154. EXPANSION OF ANNUAL REPORTS ON STATUS OF**  
13 **NUCLEAR MATERIALS PROTECTION, CON-**  
14 **TROL, AND ACCOUNTING PROGRAMS.**

15 (a) COVERED PROGRAMS.—Subsection (a) of section  
16 3171 of the Floyd D. Spence National Defense Authoriza-  
17 tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
18 lic Law 106–398; 114 Stat. 1654A–475) is amended by  
19 striking “Russia that” and inserting “countries where  
20 such materials”.

21 (b) REPORT CONTENTS.—Subsection (b) of that sec-  
22 tion is amended—

23 (1) in paragraph (1) by inserting “in each  
24 country covered by subsection (a)” after “loca-  
25 tions,”;

1           (2) in paragraph (2), by striking “in Russia”  
2           and inserting “in each such country”;

3           (3) in paragraph (3), by inserting “in each such  
4           country” after “subsection (a)”; and

5           (4) in paragraph (5), by striking “by total  
6           amount and by amount per fiscal year” and insert-  
7           ing “by total amount per country and by amount per  
8           fiscal year per country”.

## 9           **Subtitle E—Other Matters**

### 10   **SEC. 3161. INDEMNIFICATION OF DEPARTMENT OF ENERGY**

#### 11           **CONTRACTORS.**

12           Section 170d.(1)(A) of the Atomic Energy Act of  
13   1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking  
14   “until August 1, 2002,” and inserting “until August 1,  
15   2012”.

### 16   **SEC. 3162. WORKER HEALTH AND SAFETY RULES FOR DE-**

#### 17           **PARTMENT OF ENERGY FACILITIES.**

18           The Atomic Energy Act of 1954 is amended by in-  
19   serting after section 234B (42 U.S.C. 2282b) the fol-  
20   lowing:

### 21   **“SEC. 234C. WORKER HEALTH AND SAFETY RULES FOR DE-**

#### 22           **PARTMENT OF ENERGY NUCLEAR FACILI-**

#### 23           **TIES.**

24           “(a) PERSONS SUBJECT TO PENALTY.—

25           “(1) CIVIL PENALTY.—

1           “(A) IN GENERAL.—A person (or any sub-  
2           contractor or supplier of the person) who has  
3           entered into an agreement of indemnification  
4           under section 2210(d) (or any subcontractor or  
5           supplier of the person) that violates (or is the  
6           employer of a person that violates) Department  
7           of Energy Order No. 440.1A (1998), or any  
8           rule or regulation relating to industrial or con-  
9           struction health and safety promulgated by the  
10          Secretary of Energy (referred to in this section  
11          as the “Secretary”) after public notice and op-  
12          portunity for comment under section 553 of  
13          title 5, United States Code (commonly known  
14          as the ‘Administrative Procedure Act’), shall be  
15          subject to a civil penalty of not more than  
16          \$100,000 for each such violation.

17          “(B) CONTINUING VIOLATIONS.—If any  
18          violation under this subsection is a continuing  
19          violation, each day of the violation shall con-  
20          stitute a separate violation for the purpose of  
21          computing the civil penalty under subparagraph  
22          (A).

23          “(2) REGULATIONS.—

24                 “(A) IN GENERAL.—Not later than 270  
25          days after the date of enactment of this section,



1 the Secretary shall promulgate regulations for  
2 industrial and construction health and safety  
3 that incorporate the provisions and require-  
4 ments contained in Department of Energy  
5 Order No. 440.1A (1998).

6 “(B) EFFECTIVE DATE.—The regulations  
7 promulgated under subparagraph (A) shall take  
8 effect on the date that is 1 year after the pro-  
9 mulgation date of the regulations.

10 “(3) VARIANCES OR EXEMPTIONS.—

11 “(A) IN GENERAL.—The Secretary may  
12 provide in the regulations promulgated under  
13 paragraph (2) a procedure for granting  
14 variances or exemptions to the extent necessary  
15 to avoid serious impairment of the national se-  
16 curity of the United States.

17 “(B) DETERMINATION.—In determining  
18 whether to provide a variance or exemption  
19 under subparagraph (A), the Secretary of En-  
20 ergy shall assess—

21 “(i) the impact on national security of  
22 not providing a variance or exemption; and

23 “(ii) the benefits or detriments to  
24 worker health and safety of providing a  
25 variance or exemption.

1           “(C) PROCEDURE.—Before granting a  
2           variance or exemption, the Secretary of Energy  
3           shall—

4                   “(i) notify affected employees;

5                   “(ii) provide an opportunity for a  
6           hearing on the record; and

7                   “(iii) notify Congress of any deter-  
8           mination to grant a variance at least 60  
9           days before the proposed effective date of  
10          the variance or exemption.

11          “(4) APPLICABILITY.—This subsection does not  
12          apply to any facility that is a component of, or any  
13          activity conducted under, the Naval Nuclear Propul-  
14          sion Program.

15          “(5) ENFORCEMENT GUIDANCE ON STRUC-  
16          TURES TO BE DISPOSED OF.—

17                 “(A) IN GENERAL.—In enforcing the regu-  
18          lations under paragraph (2), the Secretary of  
19          Energy shall, on a case-by-case basis, evaluate  
20          whether a building, facility, structure, or im-  
21          provement of the Department of Energy that is  
22          permanently closed and that is expected to be  
23          demolished, or title to which is expected to be  
24          transferred to another entity for reuse, should

1           undergo major retrofitting to comply with spe-  
2           cific general industry standards.

3           “(B) NO EFFECT ON HEALTH AND SAFETY  
4           ENFORCEMENT.—This subsection does not di-  
5           minish or otherwise affect—

6                   “(i) the enforcement of any worker  
7                   health and safety regulations under this  
8                   section with respect to the surveillance and  
9                   maintenance or decontamination, decom-  
10                  missioning, or demolition of buildings, fa-  
11                  cilities, structures, or improvements; or

12                   “(ii) the application of any other law  
13                   (including regulations), order, or contrac-  
14                  tual obligation.

15       “(b) CONTRACT PENALTIES.—

16           “(1) IN GENERAL.—The Secretary shall include  
17       in each contract with a contractor of the Depart-  
18       ment provisions that provide an appropriate reduc-  
19       tion in the fees or amounts paid to the contractor  
20       under the contract in the event of a violation by the  
21       contractor or contractor employee of any regulation  
22       or order relating to industrial or construction health  
23       and safety.

1           “(2) CONTENTS.—The provisions shall specify  
2           various degrees of violations and the amount of the  
3           reduction attributable to each degree of violation.

4           “(c) POWERS AND LIMITATIONS.—The powers and  
5           limitations applicable to the assessment of civil penalties  
6           under section 234A, except for subsection (d) of that sec-  
7           tion, shall apply to the assessment of civil penalties under  
8           this section.

9           “(d) TOTAL AMOUNT OF PENALTIES.—In the case  
10          of an entity described in subsection (d) of section 234A,  
11          the total amount of civil penalties under subsection (a)  
12          or under subsection (a) of section 234B in a fiscal year  
13          may not exceed the total amount of fees paid by the De-  
14          partment of Energy to that entity in that fiscal year.”.

15   **SEC. 3163. ONE-YEAR EXTENSION OF AUTHORITY OF DE-**  
16                           **PARTMENT OF ENERGY TO PAY VOLUNTARY**  
17                           **SEPARATION INCENTIVE PAYMENTS.**

18          (a) IN GENERAL.—Section 3161(a) of the National  
19          Defense Authorization Act for Fiscal Year 2000 (Public  
20          Law 106–65; 5 U.S.C. 5597 note) is amended by striking  
21          “January 1, 2004” and inserting “January 1, 2005”.

22          (b) CONSTRUCTION.—The amendment made by sub-  
23          section (a) may be superseded by another provision of law  
24          that takes effect after the date of the enactment of this  
25          Act, and before January 1, 2004, establishing a uniform

1 system for providing voluntary separation incentives (in-  
2 cluding a system for requiring approval of plans by the  
3 Office of Management and Budget) for employees of the  
4 Federal Government.

5 **SEC. 3164. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**  
6 **CINITY OF LOS ALAMOS NATIONAL LABORA-**  
7 **TORY, NEW MEXICO.**

8 (a) SUPPORT FOR FISCAL YEAR 2003.—From  
9 amounts authorized to be appropriated to the Secretary  
10 of Energy by this title, \$6,900,000 shall be available for  
11 payment by the Secretary for fiscal year 2003 to the Los  
12 Alamos National Laboratory Foundation, a not-for-profit  
13 foundation chartered in accordance with section 3167(a)  
14 of the National Defense Authorization Act for Fiscal Year  
15 1998 (Public Law 105–85; 111 Stat. 2052).

16 (b) USE OF FUNDS.—The foundation referred to in  
17 subsection (a) shall—

18 (1) utilize funds provided under this section as  
19 a contribution to the endowment fund for the foun-  
20 dation; and

21 (2) use the income generated from investments  
22 in the endowment fund that are attributable to the  
23 payment made under this section to fund programs  
24 to support the educational needs of children in the

1 public schools in the vicinity of Los Alamos National  
2 Laboratory, New Mexico.

3 (c) REPEAL OF SUPERSEDED AUTHORITY AND  
4 MODIFICATION OF AUTHORITY TO EXTEND CONTRACT.—

5 (1) Subsection (b) of section 3136 of the National Defense  
6 Authorization Act for Fiscal Year 2002 (Public Law 107–  
7 107; 115 Stat. 1368) is amended to read as follows:

8 “(b) SUPPORT FOR FISCAL YEARS 2003 THROUGH  
9 2013.—Subject to the availability of appropriations, the  
10 Secretary may provide for a contract extension through  
11 fiscal year 2013 similar to the contract extension referred  
12 to in subsection (a)(2).”.

13 (2) The amendment made by paragraph (1) shall  
14 take effect on October 1, 2002.

15 **Subtitle F—Disposition of Weap-**  
16 **ons-Usable Plutonium at Savan-**  
17 **nah River, South Carolina**

18 **SEC. 3181. FINDINGS.**

19 Congress makes the following findings:

20 (1) In September 2000, the United States and  
21 the Russian Federation signed a Plutonium Manage-  
22 ment and Disposition Agreement by which each  
23 agreed to dispose of 34 metric tons of weapons-  
24 grade plutonium.

1           (2) The agreement with Russia is a significant  
2       step toward safeguarding nuclear materials and pre-  
3       venting their diversion to rogue states and terrorists.

4           (3) The Department of Energy plans to dispose  
5       of 34 metric tons of weapons-grade plutonium in the  
6       United States before the end of 2019 by converting  
7       the plutonium to a mixed-oxide fuel to be used in  
8       commercial nuclear power reactors.

9           (4) The Department has formulated a plan for  
10      implementing the agreement with Russia through  
11      construction of a mixed-oxide fuel fabrication facil-  
12      ity, the so-called MOX facility, and a pit disassembly  
13      and conversion facility at the Savannah River Site,  
14      Aiken, South Carolina.

15          (5) The United States and the State of South  
16      Carolina have a compelling interest in the safe,  
17      proper, and efficient operation of the plutonium dis-  
18      position facilities at the Savannah River Site. The  
19      MOX facility will also be economically beneficial to  
20      the State of South Carolina, and that economic ben-  
21      efit will not be fully realized unless the MOX facility  
22      is built.

23          (6) The State of South Carolina desires to en-  
24      sure that all plutonium transferred to the State of  
25      South Carolina is stored safely; that the full benefits

1 of the MOX facility are realized as soon as possible;  
2 and, specifically, that all defense plutonium or de-  
3 fense plutonium materials transferred to the Savan-  
4 nah River Site either be processed or be removed ex-  
5 peditiously.

6 **SEC. 3182. DISPOSITION OF WEAPONS-USABLE PLUTONIUM**  
7 **AT SAVANNAH RIVER SITE.**

8 (a) PLAN FOR CONSTRUCTION AND OPERATION OF  
9 MOX FACILITY.—(1) Not later than February 1, 2003,  
10 the Secretary of Energy shall submit to Congress a plan  
11 for the construction and operation of the MOX facility at  
12 the Savannah River Site, Aiken, South Carolina.

13 (2) The plan under paragraph (1) shall include—

14 (A) a schedule for construction and operations  
15 so as to achieve, as of January 1, 2009, and there-  
16 after, the MOX production objective, and to produce  
17 1 metric ton of mixed oxide fuel by December 31,  
18 2009; and

19 (B) a schedule of operations of the MOX facil-  
20 ity designed so that 34 metric tons of defense pluto-  
21 nium and defense plutonium materials at the Savan-  
22 nah River Site will be processed into mixed oxide  
23 fuel by January 1, 2019.

24 (3)(A) Not later than February 15 each year, begin-  
25 ning in 2004 and continuing for as long as the MOX facil-



1 ity is in use, the Secretary shall submit to Congress a re-  
2 port on the implementation of the plan required by para-  
3 graph (1).

4 (B) Each report under subparagraph (A) for years  
5 before 2010 shall include—

6 (i) an assessment of compliance with the sched-  
7 ules included with the plan under paragraph (2);  
8 and

9 (ii) a certification by the Secretary whether or  
10 not the MOX production objective can be met by  
11 January 2009.

12 (C) Each report under subparagraph (A) for years  
13 after 2009 shall—

14 (i) address whether the MOX production objec-  
15 tive has been met; and

16 (ii) assess progress toward meeting the obliga-  
17 tions of the United States under the Plutonium  
18 Management and Disposition Agreement.

19 (D) For years after 2017, each report under subpara-  
20 graph (A) shall also include an assessment of compliance  
21 with the MOX production objective and, if not in compli-  
22 ance, the plan of the Secretary for achieving one of the  
23 following:

24 (i) Compliance with such objective.

1           (ii) Removal of all remaining defense plutonium  
2           and defense plutonium materials from the State of  
3           South Carolina.

4           (b) CORRECTIVE ACTIONS.—(1) If a report under  
5           subsection (a)(3) indicates that construction or operation  
6           of the MOX facility is behind the applicable schedule  
7           under subsection (a)(2) by 12 months or more, the Sec-  
8           retary shall submit to Congress, not later than August 15  
9           of the year in which such report is submitted, a plan for  
10          corrective actions to be implemented by the Secretary to  
11          ensure that the MOX facility project is capable of meeting  
12          the MOX production objective by January 1, 2009.

13          (2) If a plan is submitted under paragraph (1) in any  
14          year after 2008, the plan shall include corrective actions  
15          to be implemented by the Secretary to ensure that the  
16          MOX production objective is met.

17          (3) Any plan for corrective actions under paragraph  
18          (1) or (2) shall include established milestones under such  
19          plan for achieving compliance with the MOX production  
20          objective.

21          (4) If, before January 1, 2009, the Secretary deter-  
22          mines that there is a substantial and material risk that  
23          the MOX production objective will not be achieved by  
24          2009 because of a failure to achieve milestones set forth  
25          in the most recent corrective action plan under this sub-

1 section, the Secretary shall suspend further transfers of  
2 defense plutonium and defense plutonium materials to be  
3 processed by the MOX facility until such risk is addressed  
4 and the Secretary certifies that the MOX production ob-  
5 jective can be met by 2009.

6 (5) If, after January 1, 2009, the Secretary deter-  
7 mines that the MOX production objective has not been  
8 achieved because of a failure to achieve milestones set  
9 forth in the most recent corrective action plan under this  
10 subsection, the Secretary shall suspend further transfers  
11 of defense plutonium and defense plutonium materials to  
12 be processed by the MOX facility until the Secretary cer-  
13 tifies that the MOX production objective can be met by  
14 2009.

15 (6)(A) Upon making a determination under para-  
16 graph (4) or (5), the Secretary shall submit to Congress  
17 a report on the options for removing from the State of  
18 South Carolina an amount of defense plutonium or de-  
19 fense plutonium materials equal to the amount of defense  
20 plutonium or defense plutonium materials transferred to  
21 the State of South Carolina after April 15, 2002.

22 (B) Each report under subparagraph (A) shall in-  
23 clude an analysis of each option set forth in the report,  
24 including the cost and schedule for implementation of such  
25 option, and any requirements under the National Environ-

1 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relat-  
2 ing to consideration or selection of such option.

3 (C) Upon submittal of a report under paragraph (A),  
4 the Secretary shall commence any analysis that may be  
5 required under the National Environmental Policy Act of  
6 1969 in order to select among the options set forth in the  
7 report.

8 (c) CONTINGENT REQUIREMENT FOR REMOVAL OF  
9 PLUTONIUM AND MATERIALS FROM SAVANNAH RIVER  
10 SITE.—If the MOX production objective is not achieved  
11 as of January 1, 2009, the Secretary shall, consistent with  
12 the National Environmental Policy Act of 1969 and other  
13 applicable laws, remove from the State of South Carolina,  
14 for storage or disposal elsewhere—

15 (1) not later than January 1, 2011, not less  
16 than 1 metric ton of defense plutonium or defense  
17 plutonium materials; and

18 (2) not later than January 1, 2017, an amount  
19 of defense plutonium or defense plutonium materials  
20 equal to the amount of defense plutonium or defense  
21 plutonium materials transferred to the Savannah  
22 River Site between April 15, 2002 and January 1,  
23 2017, but not processed by the MOX facility.

24 (d) ECONOMIC AND IMPACT ASSISTANCE.—(1) If the  
25 MOX production objective is not achieved as of January

1 1, 2011, the Secretary shall pay to the State of South  
2 Carolina each year beginning on or after that date through  
3 2016 for economic and impact assistance an amount equal  
4 to \$1,000,000 per day until the later of—

5 (A) the passage of 100 days in such year;

6 (B) the MOX production objective is achieved  
7 in such year; or

8 (C) the Secretary has removed from the State  
9 of South Carolina in such year at least 1 metric ton  
10 of defense plutonium or defense plutonium mate-  
11 rials.

12 (2)(A) If the MOX production objective is not  
13 achieved as of January 1, 2017, the Secretary shall pay  
14 to the State of South Carolina each year beginning on or  
15 after that date through 2024 for economic and impact as-  
16 sistance an amount equal to \$1,000,000 per day until the  
17 later of—

18 (i) the passage of 100 days in such year;

19 (ii) the MOX production objective is achieved in  
20 such year; or

21 (iii) the Secretary has removed from the State  
22 of South Carolina an amount of defense plutonium  
23 or defense plutonium materials equal to the amount  
24 of defense plutonium or defense plutonium materials  
25 transferred to the Savannah River Site between

1 April 15, 2002 and January 1, 2017, but not proc-  
2 essed by the MOX facility.

3 (B) Nothing in this paragraph may be construed to  
4 terminate, supersede, or otherwise affect any other re-  
5 quirements of this section.

6 (3) The Secretary shall make payments, if any, under  
7 this subsection, from amounts authorized to be appro-  
8 priated to the Department of Energy.

9 (4) If the State of South Carolina obtains an injunc-  
10 tion that prohibits the Department from taking any action  
11 necessary for the Department to meet any deadline speci-  
12 fied by this subsection, that deadline shall be extended for  
13 a period of time equal to the period of time during which  
14 the injunction is in effect.

15 (e) FAILURE TO COMPLETE PLANNED DISPOSITION  
16 PROGRAM.—If on July 1 each year beginning in 2020 and  
17 continuing for as long as the MOX facility is in use, less  
18 than 34 metric tons of defense plutonium or defense pluto-  
19 nium materials have been processed by the MOX facility,  
20 the Secretary shall submit to Congress a plan for—

21 (1) completing the processing of 34 metric tons  
22 of defense plutonium and defense plutonium mate-  
23 rial by the MOX facility; or

24 (2) removing from the State of South Carolina  
25 an amount of defense plutonium or defense pluto-

1       nium materials equal to the amount of defense plu-  
2       tonium or defense plutonium materials transferred  
3       to the Savannah River Site after April 15, 2002, but  
4       not processed by the MOX facility.

5       (f) REMOVAL OF MIXED-OXIDE FUEL UPON COM-  
6       PLETION OF OPERATIONS OF MOX FACILITY.—If, one  
7       year after the date on which operation of the MOX facility  
8       permanently ceases any mixed-oxide fuel remains at the  
9       Savannah River Site, the Secretary shall submit to  
10      Congress—

11           (1) a report on when such fuel will be trans-  
12           ferred for use in commercial nuclear reactors; or

13           (2) a plan for removing such fuel from the  
14           State of South Carolina.

15      (g) DEFINITIONS.—In this section:

16           (1) MOX PRODUCTION OBJECTIVE.—The term  
17           “MOX production objective” means production at  
18           the MOX facility of mixed-oxide fuel from defense  
19           plutonium and defense plutonium materials at an  
20           average rate equivalent to not less than one metric  
21           ton of mixed-oxide fuel per year. The average rate  
22           shall be determined by measuring production at the  
23           MOX facility from the date the facility is declared  
24           operational to the Nuclear Regulatory Commission  
25           through the date of assessment.

1           (2) MOX FACILITY.—The term “MOX facility”  
2       means the mixed-oxide fuel fabrication facility at the  
3       Savannah River Site, Aiken, South Carolina.

4           (3) DEFENSE PLUTONIUM; DEFENSE PLUTO-  
5       NIUM MATERIALS.—The terms “defense-plutonium”  
6       and “defense plutonium materials” mean weapons-  
7       usable plutonium.

8   **SEC. 3183. STUDY OF FACILITIES FOR STORAGE OF PLUTO-**  
9                           **NIUM AND PLUTONIUM MATERIALS AT SA-**  
10                          **VANNAH RIVER SITE.**

11       (a) STUDY.—The Defense Nuclear Facilities Safety  
12   Board shall conduct a study of the adequacy of K-Area  
13   Materials Storage facility (KAMS), and related support  
14   facilities such as Building 235–F, at the Savannah River  
15   Site, Aiken, South Carolina, for the storage of defense plu-  
16   tonium and defense plutonium materials in connection  
17   with the disposition program provided in section 3182 and  
18   in connection with the amended Record of Decision of the  
19   Department of Energy for fissile materials disposition.

20       (b) REPORT.—Not later than one year after the date  
21   of enactment of this Act, the Defense Nuclear Facilities  
22   Safety Board shall submit to Congress and the Secretary  
23   of Energy a report on the study conducted under sub-  
24   section (a).



1       (c) REPORT ELEMENTS.—The report under sub-  
2 section (b) shall—

3           (1) address—

4               (A) the suitability of KAMS and related  
5 support facilities for monitoring and observing  
6 any defense plutonium or defense plutonium  
7 materials stored in KAMS;

8               (B) the adequacy of the provisions made  
9 by the Department for remote monitoring of  
10 such defense plutonium and defense plutonium  
11 materials by way of sensors and for handling of  
12 retrieval of such defense plutonium and defense  
13 plutonium materials; and

14              (C) the adequacy of KAMS should such  
15 defense plutonium and defense plutonium mate-  
16 rials continue to be stored at KAMS after  
17 2019; and

18           (2) include such recommendations as the De-  
19 fense Nuclear Facilities Safety Board considers ap-  
20 propriate to enhance the safety, reliability, and  
21 functionality of KAMS.

22       (d) REPORTS ON ACTIONS ON RECOMMENDA-  
23 TIONS.—Not later than 6 months after the date on which  
24 the report under subsection (b) is submitted to Congress,  
25 and every year thereafter, the Secretary and the Board

1 shall each submit to Congress a report on the actions  
2 taken by the Secretary in response to the recommenda-  
3 tions, if any, included in the report.

4 **TITLE XXXII—DEFENSE NU-**  
5 **CLEAR FACILITIES SAFETY**  
6 **BOARD**

7 **SEC. 3201. AUTHORIZATION.**

8 There are authorized to be appropriated for fiscal  
9 year 2003, \$19,494,000 for the operation of the Defense  
10 Nuclear Facilities Safety Board under chapter 21 of the  
11 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

12 **SEC. 3202. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
13 **FORMERLY USED SITES REMEDIAL ACTION**  
14 **PROGRAM OF THE CORPS OF ENGINEERS.**

15 There is hereby authorized to be appropriated for fis-  
16 cal year 2003 for the Department of the Army,  
17 \$140,000,000 for the formerly used sites remedial action  
18 program of the Corps of Engineers.



**Calendar No. 370**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2514**

**[Report No. 107-151]**

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**A BILL**

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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MAY 15 (legislative day, MAY 9), 2002

Read twice and placed on the calendar